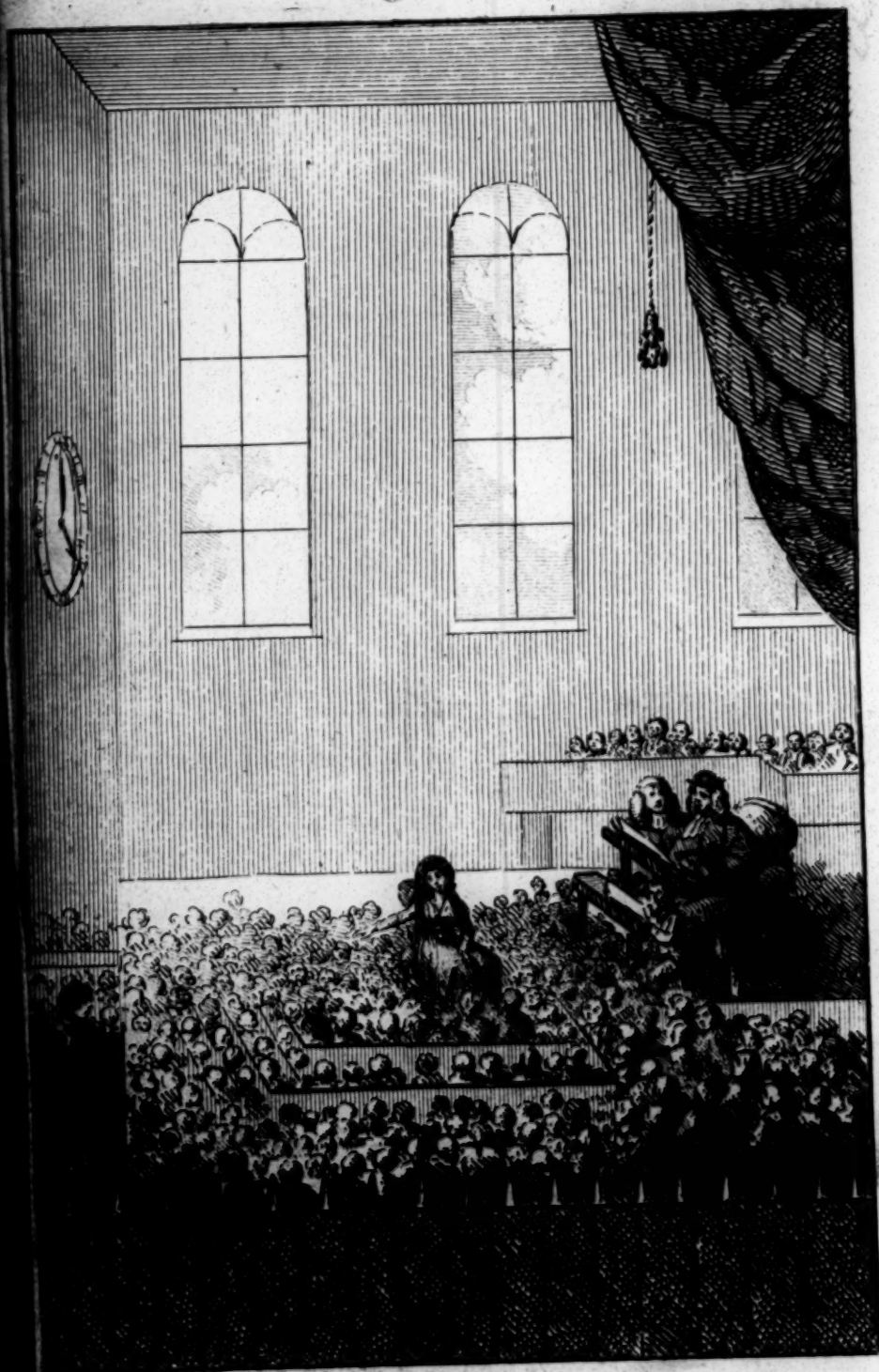


"that is he!"

Vide page 23



"that is he!"

Vide page 23



Jan 15

Lidwell's Trial.

C# 17

AN  
AUTHENTIC REPORT  
OF THE  
T R I A L  
OF  
THOMAS LIDWELL, ESQ.  
ON AN INDICTMENT FOR A  
R A P E  
COMMITTED UPON THE BODY OF  
MRS. SARAH SUTTON,  
WIFE OF JACOB SUTTON, ESQ. OF FORTARLINGTON, QUEEN'S COUNTY.  
TRIED AT NAAS, LENT ASSIZES, 1800,  
BEFORE THE RIGHT HONOURABLE  
LORD VISCOUNT CARLETON,  
LORD CHIEF JUSTICE OF THE COURT OF COMMON PLEAS,  
AND A  
RESPECTABLE JURY OF THE COUNTY OF KILDARE,  
IN THE KINGDOM OF IRELAND.

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By Permission of the Court.

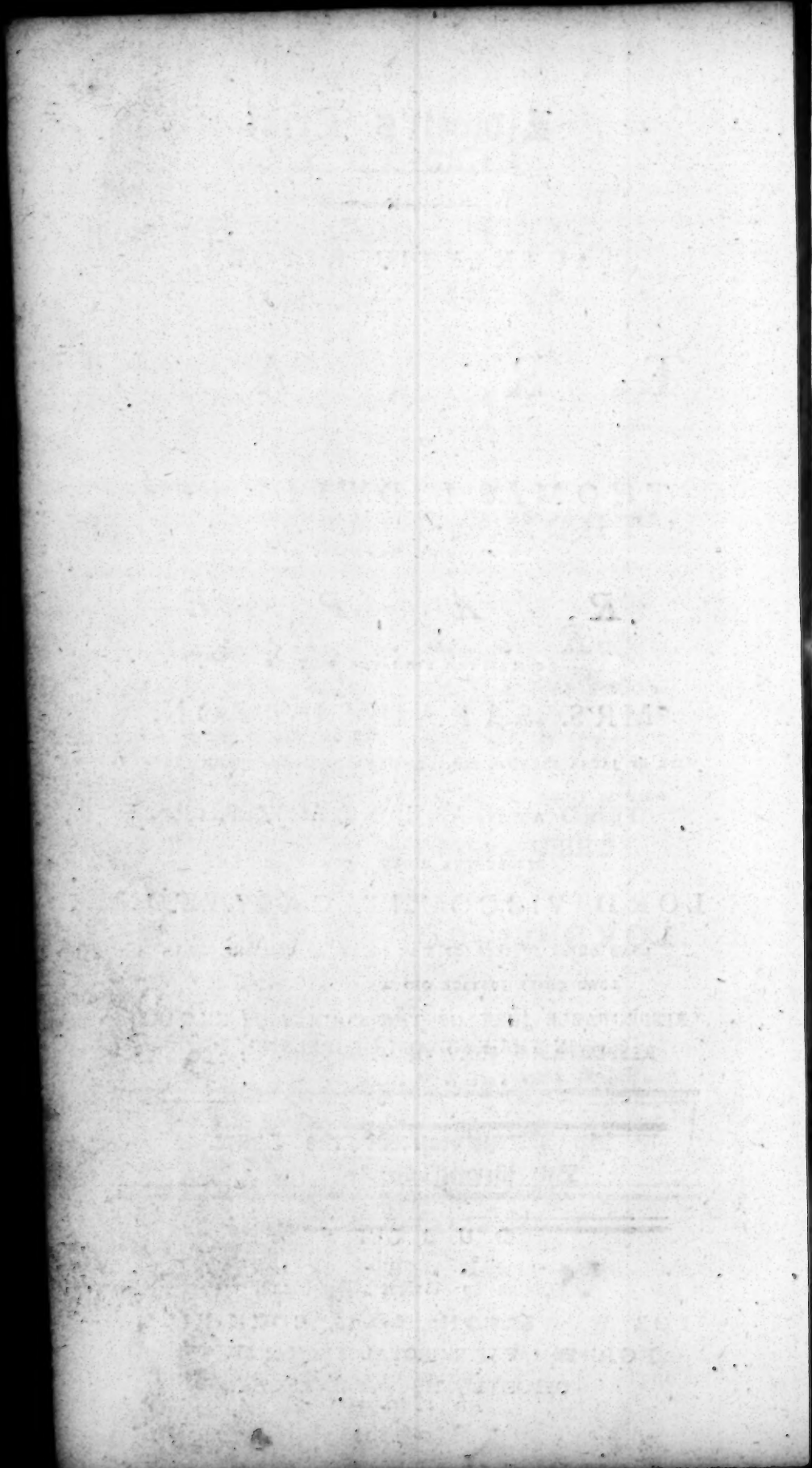
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D U B L I N :

Printed by Robert Parchbank,  
FOR W. WILSON, No. 16, CORK-HILL,  
OPPOSITE THE ROYAL EXCHANGE.

1800.

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## ADVERTISEMENT.

*THE Editor has many apologies to make to the Public, for the unavoidable delay of this Trial:—a scrupulous anxiety for correct and impartial truth, has been the principal cause. In his exertions to attain this object, he has been favoured with the most liberal assistance, and even honoured with the sanction of authority.—Having been furnished with copies of Mrs. SUTTON's two Informations, he hopes the insertion of them, by way of Introduction, will prove satisfactory, as they complete the history of this important and interesting case.*

*Dublin,  
July 8, 1800.*

# ADVERTISEMENTS

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This library is open to all  
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The library is free of charge  
to all who are desirous  
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restriction is that no  
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find the best of all  
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where they may also  
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1908



## INTRODUCTION.

FIRST INFORMATION of SARAH SUTTON, of Glas-  
House, in the King's County; sworn 21st October, 1799,  
before the Honourable Judge DOWNES.

THAT an intimacy hath subsisted between informant's husband, and Thomas Lidwell, of Portarlinton, for upwards of a year, and informant visited Mrs. Lidwell, wife of said Thomas, and deponent went with the knowledge and approbation of her husband, on Saturday the 28th day of September, 1799, with Miss Mary Lidwell, only daughter of Thomas Lidwell, of Portarlinton, in the King's county, to the said Thomas Lidwell's house, that he lately took by the name of Osberstown, in the county of Kildare, and she the said Sarah Sutton went there by the invitation of the wife of said Thomas Lidwell, who with his wife had been there some days before; that they arrived there at or about the hour of three o'clock in the afternoon that same day, (28th September,) and told her husband and mother she would remain 'till Wednesday; that in the course of Saturday evening, Mr. Lidwell had behaved, both by his words and actions, in a manner that she (Sarah Sutton) did not like, and told him so; and therefore she the said Sarah determined in her own mind to return on Monday, and mentioned to Mr. Mrs. and Miss Lidwell on Sunday evening she must go home the next day, which Mr. and Mrs. Lidwell then said she should not, but told her if she would wait 'till Tuesday they would return with her; that on Monday morning in her bed-chamber, she the said Sarah Sutton told Miss Lidwell that she must bring her home that day, which Miss Lidwell then said she would. In the course of breakfast that same morning, (September 30,) she the said Sarah Sutton mentioned she wished to get half a stone of the first fine flour from the mill, (near the said house of Osberstown,) as she could not procure such flour in or about Portarlinton, and accordingly Mr. Mrs. and Miss Lidwell and she agreed to walk there to buy it, which Mr. and Miss Lidwell and she attempted, but the roads being so wet and

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dirty,

dirty, prevented them, and obliged them to return, and then Mr. Lidwell ordered the gig, which she the said Sarah Sutton went into, accompanied by Mr. Lidwell, as Miss Lidwell, who had promised to go with her, had got a headache. Mr. Lidwell drove her down to the mill, where she bought the flour, and on returning told the said Sarah Sutton, he would bring her a small round to shew her some improvements; and that to the best of her belief, about a mile from the said mill, he the said Thomas Lidwell drove the gig down into a gravel pit, adjoining the high road, and there by force pulled the said Sarah out of the gig, and contrary to her entreaties, desire, or wish, committed a rape on her; that after he committed the act, he told her, he wished to God she would live with him for ever; that she the said Sarah Sutton did not, on returning to his house of Osbertown with him, shew any agitation or distress from his conduct, as there was not any person there but his wife and daughter, and did not wish to disturb their peace of mind at that time; she the said Sarah not having any conveyance or person to take care of her home. That about the hour of two o'clock that same day, (Monday, Sept. 30.) Miss Lidwell drove her the said Sarah Sutton home to Glasf-House near Portarlinton, and arrived there by eight o'clock in the evening; that on Tuesday morning (next day) she the said Sarah Sutton mentioned the whole business to her mother at Glasf-House, who earnestly and anxiously requested she the said Sarah would not inform her husband of it, as she knowing he was a warm determined man, might, on such a transaction being mentioned to him, forsake her, or go in pursuit of Mr. Lidwell and lose his life; and accordingly influenced by such entreaties and representations of her mother, did not at that immediate time inform her husband of the business; but that, notwithstanding her mother's application, she could not, on reflection, endure the thoughts of concealing said transaction, or from informing her husband; and on Sunday the 13th day of October, between twelve and one o'clock, without her mother's knowledge, did inform her husband Jacob Sutton of the conduct of Mr. Lidwell to her. He the said Jacob ordered his carriage, and took the said Sarah Sutton to the town of Wexford, to mention the business to her friends, before any prosecution

prosecution should be commenced, and from thence informant and her husband immediately came to Dublin, where they arrived yesterday.

*A Warrant was granted by Judge DOWNES upon the foregoing Information; and Mr. Lidwell having been arrested, was brought before him on the evening of the 28th October, who desired that Mrs. Sutton should attend. She did so, and was again sworn and examined by the learned Judge, in the presence of Mr. Lidwell, who was allowed to take notes of her deposition, and to suggest questions. Mrs. Sutton's deposition upon this occasion was to the following effect:*

#### SECOND INFORMATION, sworn.

SAITH, that on Saturday the 28th of September last, informant went to the house of the prisoner, on an invitation of Mrs. Lidwell, wife of Thomas Lidwell; Miss Lidwell, daughter of said Mr. Lidwell, and said Lidwell walked together, and Miss Lidwell having got wet in her feet, said Thomas Lidwell desired her to go home to change her shoes and stockings for fear of cold; informant had then no idea of any ill intention of said Lidwell; upon Miss Lidwell's going away, he pressed informant to his bosom several times, and this happened about seven in the evening when duskish, within view of the house; informant resisted these approaches so far as words would do, told him not to attempt to go on in that manner, that it was a dreadful thing and shocking, and what she did not expect; saith, they were in the road, about the length of a small field from the house, when such conversation happened; saith, that at the time of his pressing informant to his bosom, they were in the road, and had left the field in which Miss Lidwell had left them; and saith, he then dragged her along the road into the same field, against her will, and he still repeated the pressing her to his bosom, and which she resisted so far as words, but not otherwise; he then threw her down against her will; she got up immediately, and he did not effect any criminal purpose at that time; saith, they then walked home to said house; and saith, that during that walk, informant told him he was a dreadful man, and expressed her disapprobation of those attempts, both by looks and words and manner. Informant during

during that evening kept in the company of Mrs. and Miss Lidwell, and wherever they went informant followed them. On the next day, (Sunday,) Mrs. Miss Lidwell and informant went to church in Mr. Lidwell's carriage; and then went to see the country; and then returned to the house, and avoided said Lidwell that day as much as she could. She did not on Saturday or Sunday mention any thing that had passed to Mrs. or Miss Lidwell, or any other person, as she had no friend there to mention it to; considered them as friends, but could not mention such a matter to them, as they were so nearly related to him. And saith, she did not then consider the conduct of Mr. Lidwell in throwing her down as above mentioned, as indicating any criminal intent. Saith, that on the evening of Sunday, she said to Mr. Mrs. and Miss Lidwell (as she believes) that she would go home on Monday (next day); before she left home, she told her mother and husband that she would stay at Mr. Lidwell's, at Osbertown, until Wednesday, but did not doubt but she might stay longer; and before she went to Osbertown, Miss Lidwell said, she would bring her home whenever she pleased; and on Monday morning she told Miss Lidwell that she would go home that morning. Saith, that on Saturday she formed the resolution in her own mind of leaving his house on Monday, from the conduct of said Lidwell, but did not express that resolution until Sunday; that she wished to go on Sunday, but thought that a day would not signify, and the horses had been ordered for going to church. Now says, she thinks that on Sunday she first formed the resolution of going on Monday; she left home with the knowledge and approbation of her husband, and a strict intimacy had subsisted before between her family and Mr. Lidwell's. Saith, on Monday the 30th of September, at breakfast, she said she would go home; Mr. and Mrs. Lidwell, and (believes) Miss Lidwell was present; Mr. and Mrs. Lidwell pressed her much to stay. Saith, when she first went to Osbertown, she mentioned her wish to get some flour, and at breakfast mentioned that she wished to get it. The flour was to be got about half a mile from the house, at Montgomery's mill; Mr. Mrs. and Miss Lidwell agreed to walk with informant to the mill. Mrs. Lidwell was going, but Miss Lidwell objected to her going, on account of her mother's



ther's petticoat being yellow; Mr. Lidwell, Miss Lidwell and informant proceeded part of the way towards the mill walking together, witness said the road was so dirty she would not go; Mr. Lidwell then proposed going in the gig, to which informant objected, saying she would not go with him; said Lidwell said, I don't want you to go with me, Mary will go with you, (meaning his daughter Miss Lidwell, who as witness understood agreed to do so,) when witness said very well. They returned home, and she staid above stairs until the gig was brought to the door, and whilst it was getting ready. When she came down stairs, the parlour door was open, Miss Lidwell was there, and witness asked her whether she was coming; she said she got an headache, but her father would come with her. Informant then went in the gig with Mr. Lidwell; they went to the mill, and got the flour; he said he would take her round to see a little of the country. Saith, that to the best of her knowledge, she thinks she said to Mr. Lidwell she wished to go home, (meaning his house, from whence she meant to go to her own house); don't recollect whether he made any answer, but she proceeded with him in the gig. Saith, that about a mile from the mill, as she believes, or thereabouts, but cannot exactly say, and as she believes, towards his own house, that on a hill, very near the top of it, on the road, said Lidwell turned his horse down off the road into a gravel pit adjoining the road. Saith, that when she saw him going to turn the horse, she took hold of the reins to prevent his going down there, thinking that he was going wrong, but not thinking that he had any bad intentions. And saith, he stopped his horse at the side of the pit, at some distance from the road, about 30 or 40 yards as she believes, the horse being at the outside of the gravel pit as she believes. Saith, the pit was a place where gravel was cut at different places, and where a horse could pass with such a carriage as that. Saith, said Lidwell then alighted from the carriage, and begged of informant to walk out; informant saith she would not; he begged she would get out; she still persisted in denying, and said she never would get out; he repeatedly begged her to do so, but she refused him in as peremptory a manner as she could; and said, there was nothing for her to see which could induce her

her to walk out. Now says, she thought to that effect, viz. that there was nothing for her to see, and therefore could not get out, but did not express that thought; he continued anxious to get her out, and seeing him rising to try to get her out, she took hold of the carriage, and kept hold of it as long as she had power, calling out, "oh! good God, is there no one to assist me?" he having then laid hold of her, and was trying to pull her out, she looked round, and did not see a cabin, or any person near her. Saith, he tore her out with the greatest violence, and left her totally without power, from his pulling her out and fright. And saith, he marked her arms in three or four places with the hold he took of them, which marks continued three or four days. Saith, she resisted afterwards as long as she could, and about a minute after he had taken her out of the gig, he threw her down; informant resisted as much as she could, but had it not in her power to resist him completely and effectually, so as to prevent his purpose. Saith, she was ready to faint with weakness, so as not to know what she said or did. And saith, he did effect his purpose, and committed a rape on her. Saith, that the same was committed by force, and against this informant's will. Saith, she did not know what to do, whether to walk home, or go in the carriage. Saith, that she thought if she was to walk to Osberstowen without said Thomas, and on foot, it would make a disturbance in the family, and she might not have had the means of going home to Portarlinton; said Thomas put her up into the carriage, and she went to the house at Osberstowen; and saith, he spoke to her several times, but she would not answer him for some time; he said he wished to God she would live with him for ever; she told him she had got too good an husband, and that he was a most desperate man to want to seduce her from her family; he called her a poor little whiner; she told him as long as she lived she would never put her foot inside his doors after she would leave his house that day. Saith, she was determined on telling her husband and her mother what had passed; he carried her to Osberstowen. Saith, about an hour after she returned, Miss Lidwell and she set out in the same gig for her own house at Portarlinton, which is about 20 miles, and between two and three

three o'clock left Osbertown, and arrived home about eight o'clock. Saith, Mr. and Mrs. Lidwell pressed her to stay at Osbertown, which she refused, and went home. Saith, that the next morning, as soon as she had an opportunity, she told her mother of the violence so committed on her, as she wished to inform her mother of it before she told her husband; and her mother slept in the same room with her and her husband; her mother begged her for God's sake not to tell her husband, as he was so determined a man, that he might leave her and her children for ever, or lose his life. Saith, she was thereby deterred from telling for a long time her husband what had happened; it was about a fortnight after the fact: she afterwards told her husband without her mother's knowing it. She could not bear the idea of concealing it longer from so good an husband. Saith, she hath not told her mother that she mentioned it to her husband, but her husband told her, as she believes. Saith, that on her telling her husband, he ordered the carriage, and said he would take her to her friends to advise what should be done, which he did, and took her to Wexford, where her brothers were, and from thence she came to Dublin on Sunday the 20th of October, and the next day swore informations before Judge DOWNES. Saith, that last January she lay-in; saith, in consequence of her lying-in, she had a complaint which physicians called the whites, and came to the salt-water to Booterstown to be cured, and her health was established. And saith, that from the violence she had received, she thought she had got a return of said complaint. And saith, when she mentioned said violence to her husband, she had no suspicion that she had any other but a return of the same complaint; but saith, that after she had mentioned said violence to her husband, he said, he (meaning said Lidwell) has destroyed you too, for I never had any communication with any woman but you since I was married, and I have got an extraordinary complaint, meaning some venereal complaint, which he had mentioned to Dr. Blair; nad saith, she mentioned to her husband the violence committed on her, before he had said that he had got any complaint; and further saith, said Lidwell had never before

fore the facts before stated, paid any addresses, or taken any improper freedom with examinant, or received any manner of encouragement from her to do so, and had a very high opinion of him as a friend, and as the particular friend of her husband; and therefore informant, though at the time of the conduct of said Thomas, she did not like or approve of the said conduct, did not then think that he had any criminal intent.

**INFORMATION** of Mrs. NAOMIE READE, sworn the 25th October, 1799, before WILLIAM WELDON TARLTON, Esq; a Magistrate of the King's County.

DEPOSETH, that on the morning of Tuesday the 1st day of October instant, her daughter, Mrs. Sarah Sutton, informed her of the infamous conduct of Thomas Lidwell, Esq; towards the said Sarah, upon which examinant immediately begged and entreated her daughter not to acquaint Mr. Sutton, her husband of it, knowing him to be a very determined man; and also told her, he might leave her and her four children, or go to shoot him, and lose his life; which the said Sarah Sutton promised not to do at that time, as she agreed it might be of bad consequence.



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A N

AUTHENTIC REPORT, &c.

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Naas, Lent Assizes, Tuesday, 22d April, 1800.

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At Three o'Clock on Tuesday, 22d April, 1800, Thomas Lidwell, Esq; was brought into Court, and arraigned upon the following indictment :

The King against Thomas Lidwell, Esq.

I N D I C T M E N T.

County of } **T**HE Jurors for our Lord the King upon  
Kildare, } their Oath, say and present, that Tho-  
to wit, } mas Lidwell, late of Osberstown, in the  
County of Kildare, Esq. on the 30th day of September,  
in the Thirty-ninth Year of the Reign of our Sovereign  
Lord George the Third, by the Grace of God of Great  
Britain, France and Ireland, King, Defender of the Faith,  
and so forth, with force and arms, that is to say, with  
swords, sticks, and so forth, at Osberstown, in the county  
of Kildare, in and upon one SARAH SUTTON, the wife  
of JACOB SUTTON, Esq. a true and faithful subject of  
our said Lord the King, in the peace of God and of our  
said Lord the King, then and there being, feloniously did  
B make

make an assault, and her the said Sarah Sutton, then and there, by force, and contrary to the will and consent of her the said Sarah Sutton, feloniously did ravish, and carnally did know, contrary to the peace of our said Lord the King, his crown and dignity, and contrary to the form of the statute in such case made and provided.

*Clerk of the Crown.* How say you, Thomas Lidwell, are you guilty of this felony in manner and form as you stand indicted and arraigned, or not?

*Prisoner.* Not guilty.

*Clerk of the Crown.* Culprit, how will you be tried?

*Prisoner.* By God and my country.

*Clerk of the Crown.* God send you a good deliverance. Are you ready for your trial?

*Prisoner.* I am.

LORD CARLETON. Your trial will be proceeded on tomorrow Morning at ten o'Clock. [*Upon which the prisoner was remanded to gaol.*]

*Counsel for the prosecution.*

W. C. PLUNKET, Esq.

A. MOORE, Esq.

W. JOHNSON, Esq.

W. RIDGEWAY, Esq.

*Counsel for the prisoner.*

J. P. CURRAN, Esq.

S. O'GRADY, Esq.

J. BARRINGTON, Esq.

R. ESPINASSE, Esq.

L. MC. NALLY, Esq.

S. MONTGOMERY, Esq.

Agent, Mr. R. WADDY.

Agent, Mr. H. G. GRADY.

Wednesday, 23d April, 1800.

The court sat at 10 o'clock, and the prisoner being put to the bar, the sheriff was ordered to return his pannel, from which

*The following Jury were sworn.*

Samuel Mills, Foreman,

Robert Montgomery,

William Brunton,

George Paine,

George Pillsworth,

John Haysted,

Matthew Coates,

Benjamin Braddell,

John Chapman,

Charles Fitz Gerald,

Samuel Leonard,

George Leonard.

Mr.

Mr. RIDGEWAY opened the indictment.

Mr. PLUNKET,

My Lord and Gentlemen of the Jury,

I am in this case of counsel for the prosecution. It is a prosecution brought forward on the part of Mrs. Sarah Sutton, the wife of Jacob Sutton, of Portarlington, in the Queen's County, Esquire, a gentleman of respectable family and connexions, and of considerable property in this kingdom; against the prisoner at the bar, Thomas Lidwell, Esq. formerly of Portarlington, but now of Osbertown, in this county; who is also a gentleman of considerable property, and of a family highly respectable. Gentlemen, you must be apprised from having heard the indictment read, of the nature of the crime with which Mr. Lidwell stands charged, it is,—that, by force and violence and against the will and consent of Mrs. Sutton, he did ravish and carnally know her; a crime which by the laws of this country and of every civilized nation, has the punishment of death annexed to it; a crime which the wisdom of the law has guarded against, in order to protect the weakness of female resistance from the attempts of brutal violence; a law which guards the chastity of the wife, that it may preserve the honour of the husband, and provide for the happiness of the child; it is a law which prevents one of the most powerful emotions of the human mind from degenerating into brutality—to offer violence to a woman is unsuited to the nature of man—this honourable feeling God and nature have implanted in every liberal heart, and the positive law of the land only comes in aid of the unalterable dictates of nature. The present case is not a common one, it is aggravated by every breach of honour and of hospitality, and accompanied by circumstances of peculiar depravity. It is a case, that if you give credit to the witnesses that will be produced in support

support of the prosecution, however it must be lamented to see a man of the character and the family of Mr. Lidwell standing at the bar of this court, you are bound to find him guilty; but if, on the other hand, when you have heard the evidence, which I think cannot be controverted, and attended to such observations as the learned Judge shall make, you feel a reasonable doubt upon your minds, you are by your oaths bound to acquit him; for, gentlemen, you are the sole judges in matters of fact, and the degree of the credit which the witnesses on both sides are entitled to.

To the Lady, who is this day to tell the tale of her own shame and wretchedness; a woman of family and respectability; a woman of liberal education and of virtuous sentiments; it must be misery to be obliged to come forward in such a prosecution: to her husband, to her family, to every person connected with her, it is a scene of distress and melancholy: to the wretched man at the bar, be the event of the trial what it may, it is an awful moment; a gentleman brought as a culprit to the bar of a court of justice, charged with one of the foulest crimes that human depravity could commit; a crime by which his memory must be for ever stained.—Gentlemen, I call upon you to divest your minds of every report you may have heard to the disadvantage of the prisoner: I entreat of you to exclude from your feelings whatever influence such reports may have; you are to decide upon the evidence that will be offered to your consideration, and on that alone; and if, as I before mentioned, a reasonable doubt shall arise, it is your duty to acquit the prisoner; but if a plain and uncontradicted story is told you, by which you are perfectly satisfied in your minds, and have no reasonable doubt, it is also your duty to find him guilty.

Gentlemen, I will state the facts to you as I am instructed, they will be given in evidence, and in doing this, I will not omit the most minute circumstance



stance in favour of the prisoner.—[Here Mr. Plunket stated the facts fully, commenting particularly on such parts of the case as might be thought favourable to the prisoner. But as the facts are hereinafter given exactly as they came from the lips of the witnesses, it is therefore thought unnecessary to give the statement at length.]

After stating the evidence, Mr. Plunket proceeded to observe on such parts of it as might be relied on by the prisoner in his defence. The circumstance of her returning to the house of the prisoner after the first rudeness which he had offered her on Saturday night; her afterwards going alone with him in the gig; her returning with him after the act committed; her assumed composure before the family; her partaking of refreshment; her permitting him to salute her at parting, and her subsequent concealment of the fact from her husband;—all these were facts demanding the strict attention of the jury, and which, if not satisfactorily explained, ought to make a strong impression on their mind on behalf of the prisoner. On the other hand, they were to consider the situation in which Mrs. Sutton was at the house of the prisoner; her resenting his first rudeness, and determining to quit the house on the Monday following, although her original intention had been to remain there until the Wednesday; the accidental and unexpected manner in which she was betrayed into accompanying him into the gig on Monday; as to the not immediately disclosing the act of outrage in the gravel pit; what was she to do? whom had she to complain to? some minds undoubtedly there were so constituted that they could not have concealed; a woman of a strong and determined disposition would have probably given immediate vent to her just resentment; she would have burst into a passionate declaration of her injuries to the first stranger whom she saw on the road, or to the family

family as soon as she returned; but other dispositions would be differently affected. Mrs. Sutton was a woman gentle, timid, retiring, a mind the reverse of a strong or firm one, in a strange country, without a friend or acquaintance; she did not proclaim upon the public road the history of her own shame and sorrow, nor did she disclose to the wife and to the daughter the crime which the husband and the father had committed; she had two lines of conduct to chuse between, one of them, immediately to tell the whole transaction; the other, to assume composure, and endeavour to return home without exciting suspicion as to what she meant to do; she adopted the latter, and if the jury would once account for her doing that, the rest of her conduct, until she arrived at the house of her husband, was the necessary sequel of it. As to the not disclosing to her husband immediately on her return, it was a circumstance which called for serious consideration; this however was certain, that the moment she was alone with her mother, the very morning after her return, she burst into an agony of grief, and disclosed the whole transaction; her mother enjoined her in the name of God, as she valued the peace of herself and of her husband, not to inform him; that he might perhaps abandon her and her children, or might lose his life by seeking vengeance. This appeared natural advice for a mother to give, and certainly not very unnatural for her daughter to listen to; she first determined to conceal it, but she was not able to act the part which she had assumed. She pined under the consciousness of what had passed; her husband used to find her pillow wet with her tears, and after an interval of about ten days, when she heard that Lidwell had returned to Portarlington, and apprehended that her husband would still continue his intimacy with him, and that she might again be exposed to his visits, she told the whole transaction

to

to her husband, without consulting her mother further on the subject; and this without having the slightest suspicion that she had received or communicated any venereal taint.

The case of the prisoner rested not upon the denial of his having done the act, but that he had committed it with the consent of the Lady; that she was a wilful adulteress: was it the conduct of an adulteress to abridge her visit at the house of the man with whom she wished to intrigue, and where she had full opportunity, and to chuse for the scene of her gratification a gravel pit? was it the conduct of an adulteress to return home, and communicate every thing which had happened to her mother? was it the conduct of a woman of licentious morals to droop and weep under the recollection of her enjoyments, and finally to make a discovery to her husband? If the jury believed all this; if they believed that this Lady, whose whole life has been marked by delicacy and virtue, had at once become profligate in her morals, and engaged in a criminal commerce with an old man, the intimate friend of her husband; if they believed that, on her suspecting that she had communicated infection to her husband, to screen her own guilt, she told the story of the rape; if they believed that the mother perjured herself by swearing to the immediate disclosure; if they believed that the daughter perjured herself by swearing to the rape; if they believed that she committed that perjury for the purpose of effecting an atrocious murder under the form and colour of law; if they believed all this in favour of a man whose defence was, that he had debauched the mind and polluted the body of the wife of his intimate friend, who was under the protection of his roof, and at a distance from her husband and connexions, they ought to acquit the prisoner; or if they had on their minds a rational doubt whether these things were so, they ought to incline to the side of mercy, and to acquit; but if they found the testimony of witnesses, whose character

was

was above impeachment, reconcileable with every circumstance arising in the case; and if they, in their consciences, were satisfied that an act of brutal violence had been offered to this Lady, they were bound, as honest men, acting under the obligation of a solemn oath, to bring in a verdict of guilty.

Mr. CURRAN. My Lord, a very able address has been made to the jury, whose feelings must be considerably influenced thereby. We should hope, on the part of the prisoner, that an equal indulgence might be extended to his counsel.

Lord CARLETON. It is the privilege of the crown, to have a case stated on behalf of the prosecutor, and I could not deprive the counsel for the prosecution of that right; but the law has drawn the line, and confers no such right upon a prisoner in cases like the present.

*Mrs. Sarah Sutton, sworn,*

Examined by Mr. MOORE.

Q. You are the daughter of Mr. Reed, of Wexford?

A. Yes.

Q. Is your father living, or dead?

A. He is dead, he died some years ago.

Q. Is your mother living?

A. She is.

Q. When did you marry Mr. Sutton?

A. In the year 1793.

Q. Have you any children by him?

A. Yes, four children, who are living.

Q. Do you know of what age you are?

A. I was 26 my last birth-day.

Q. Where is your husband's and your residence?

A. We resided first at Bray, then at Galway, and latterly



latterly at Glas House, near Portarlington, since the year 1797.

Q. Were not your husband and you frequently visited by the principal gentry at and near Portarlington?

A. Yes.

Q. Was your husband intimately acquainted with the prisoner at the bar?

A. Yes. My husband and he were very intimate; they were brother yeomen in the Portnahinch cavalry.

Q. Was Mrs. and Miss Lidwell visited by your mother and yourself?

A. Yes; my mother, my husband and myself, very frequently visited Mr. and Mrs. and Miss Lidwell; we were very intimate.

Q. Did Mr. Lidwell, Mr. Sutton, and you go up to Dublin in 1798?

A. We did; Mr. Sutton and Mr. Carey travelled on horseback, and Mr. Lidwell going up in a gig, and as I had then a violent tooth-ach, I travelled up in the gig.

Q. Were you advised by a physician to make use of sea-bathing after your lying-in?

A. Yes, and for that purpose my husband took a lodging for me at Booterstown.

Q. Did you receive any benefit by sea-bathing?

A. I was very delicate and weak after lying-in, and my health in a very short time was restored by sea-bathing.

Q. When you were at lodgings at Booterstown, where did your husband reside?

A. He resided principally at Glas House with his children, and came up to Booterstown once a fortnight to see me?

Q. Who were with you at Booterstown?

A. Mrs. Reed, my mother, Miss O'Grady, and Miss Robinson, and sometimes Miss Harvey.

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Q. Did

Q. Did the prisoner at the bar visit you at Booters-town?

A. He did two or three times; as he was the intimate acquaintance of my husband, and as I then considered Mr. Lidwell as a man of honour and propriety of conduct. He was very polite and respectful to me.

Q. Did you return to Glas House after the restoration of your health?

A. I did.

Q. Upon what terms were you and your husband?

A. My husband and I were as happy as any couple could be, I considered him as an attentive affectionate husband, no one could be more so.

Q. Your husband, I presume, Madam, had an high opinion of the honour and integrity of Mr. Lidwell?

A. Yes, he had; they were as intimate as possible, and as much attached to each other as could be.

Q. Did there an intimacy subsist between your family and Mr. Lidwell's family at Portarlinton in September last?

A. There did; we were more intimate with his family than any other in the town; there was a family connexion, Mrs. Lidwell's mother was married to my mother's brother.

Q. Were you invited to go any where in that month?

A. I was. Mrs. and Miss Lidwell invited me to go to Osberstown, in the co. of Kildare, and stay a few days, to see the house which Mr. Lidwell had lately taken there.

Q. Did you go there?

A. I did, in company with Miss Lidwell.

Q. On what day?

A. On Saturday 28th September last.

Q. You went there with the approbation of Mr. Sutton?

A. Undoubt-

A. Undoubtedly.

Q. Did he accompany you?

A. No, he did not. He remained at home.

Q. Had you determined upon the period of your visit?

A. I told him and my mother at going away I should stay till the Wednesday following, and perhaps a day or two longer. I had the greatest opinion of Mr. Lidwell as a friend, he had never before this time offered the least rudeness to me in act or in speech.

Q. At what hour did you arrive at Osbertown?

A. About three o'clock.

Q. How were you received?

A. In the most friendly manner by all the family.

Q. Had you any other acquaintances in that neighbourhood?

A. I had not. I never had been in that part of the country before, and did not know any of the people there.

Q. Did you take any walk in the evening?

A. Yes. We dined at five, and afterwards Mr. and Miss Lidwell and I went to walk as far as Mr. Montgomery's mills.

Q. Did you walk together?

A. We walked out together, but upon our return home, Miss Lidwell wet her feet, and her father desired her to make haste home; she left us.

Q. Where was this?

A. It was within view of the road.

Q. How far from the house?

A. About the length of a field.

Q. About what hour was that?

A. It was about seven, and duskish.

Q. Did she return to your company?

A. No.

Q. Did you continue your walk?

A. Yes.

Q. Did

Q. Did any thing particular happen during that walk?

A. On returning towards the house, Mr. Lidwell began to be very rude, he caught me in his arms, and pressed me to his bosom, as we walked.

Q. Did you express any disapprobation of this conduct?

A. I did not like it, but did not think he meant any thing bad.

Q. Did you say any thing to him?

A. To the best of my knowledge, I told him it was a rudeness I did not like.

Q. Did any thing further happen in the course of that evening?

A. When we came to the porter's lodge, Mr. Lidwell put his hands round my waist again, and said we should walk more.

Q. What answer did you make to him?

A. I said, we had walked enough, that it was time to return, and I did not like to go any farther.

Q. Did he agree to return home?

A. No, he still pressed me along, keeping his hand round me.

Q. Where was this?

A. On the road. He then brought me into a small field, where we were before.

Q. Did he do any thing there?

A. He tripped me up,—I fell upon my knees,—I immediately got up,—I looked displeased,—told him he was very rude,—it was a conduct I did not like,—that I would not walk any further, but go in immediately.

Q. What reply did he make?

A. To the best of my knowledge he laughed, and he gave me his hand to assist me to rise, and made some apology.

Q. Did you consider he had any criminal intention?

A. Not



A. Not in the least: I said it was rude and familiar.

Q. At what time did you and he return to the house?

A. It was duskish.

Q. Did you mention his conduct to Mrs. and Miss Lidwell on your return to the house?

A. I did not; but I determined to return home if possible the next Morning, Sunday.

Q. Did you return on Sunday?

A. I did not. I would have mentioned my desire to go home on Sunday, but Mr. Lidwell on Saturday night ordered the horses for church next day, and this prevented my mentioning it.

Q. Why did you determine upon this, when you had intended to remain till Wednesday?

A. In consequence of the freedom of Mr. Lidwell's conduct.

Q. What was his behaviour on Sunday?

A. He was very civil, but offered no freedom; I was less in his company, only for a minute or two; and whenever Mrs. and Miss Lidwell left the room, I went out with them, not liking to encourage him.

Q. Did you mention your intention of returning home after this?

A. I mentioned my intention of going home to Mr. and Mrs. Lidwell, and I think to Miss Lidwell. I told them in the evening of Sunday; and next morning I told Miss Lidwell, that I must go away after breakfast.

Q. Did Mr. Lidwell or the family comply with your request?

A. They pressed me as much as possible to stay, saying they would see me home on Tuesday.

Q. Did you consent to stay?

A. No, I determined to go home.

Q. Why did you so determine?

A. In

A. In consequence of the rudeness of Mr. Lidwell.

Q. Had you any apprehension that he entertained any bad intention?

A. I had no idea he intended to commit any violence.

Q. Was it settled, that you should return home?

A. Miss Lidwell said, that if I staid till one o'clock, she would go with me, and we might see some of the country in the mean time, and that we might go see the aqueduct.

Q. Was it proposed to go to any other place?

A. I mentioned a wish to go to the mills to get some fine flour, which I wanted, as we were to have some company at Portarlinton, Mr. Warburton's family, and others of the neighbourhood, and we could not get flour of that quality there.

Q. Had you invited them before you went to Osberstown?

A. I had not invited them. I had spoken to Mrs. Warburton of it, but the day was not fixed.

Q. Did the family agree to go to the mills?

A. Yes, we all meant to walk; but Mrs. Lidwell had a yellow petticoat on, and her daughter objected to her going, on account of the colour; upon which Mrs. Lidwell remained, and said she would have a snack for us.

Q. Did you go to the mills?

A. We went about 100 yards, but the road was dirty, and we returned back.

Q. Was any other mode of going to the mills proposed?

A. Mr. Lidwell proposed the gig to me: I told him I would not go with him.

Q. Was any person present at this?

A. Miss Lidwell was present.

Q. Did he make any answer?

A. He.

A. He said, "Sure I do not want you to go with me, Mary will go with you."

Q. Did Miss Lidwell agree to go with you?

A. She did, and I was well pleased.

Q. Was the gig ordered?

A. It was, and while it was getting ready, we went into the house; I remained up stairs until the gig was ready, and then came down.

Q. Whom did you see then?

A. I saw Miss Lidwell, there was no one with her.

Q. Did she accompany you?

A. No, she said she was ill with an head-ach; and as she had to go with me a journey of 20 miles to Portarlington, she therefore was afraid of fatiguing herself too much.

Q. Did you go to Montgomery's flour-mills with any person, and whom?

A. As Miss Lidwell declined going, she said, her father would go with me; he and Mrs. Lidwell at this time came out? I did not know how to shew any dislike before the family.

Q. Did you go into the gig?

A. I did.

Q. Who accompanied you?

A. Mr. Lidwell.

Q. How did it happen that you consented to go now, having objected before?

A. I did not look upon his conduct at that time in a bad light.

Q. Where did you go to?

A. To Mr. Montgomery's mills.

Q. Did you purchase the flour?

A. We did.

Q. Did you bring it home in the gig?

A. No; as Mr. Lidwell said he would not disturb me to get up in the gig to put the flour into the well, he ordered it to be left at his house.

Q. Had you any servant at this time?

A. No,

A. No, Sir.

Q. How far was this from Osbertown?

A. It is about three miles. I thought it was about two, but I have heard it is three.

Q. Was it the same mill you had been going to on Saturday evening?

A. No, it was not.

Q. Where did you go to from thence?

A. Mr. Lidwell said he would take me a short drive round Osbertown, and shew me the beauties of the country. We went about two miles, and I perceived Mr. Lidwell was turning the horse into a gravel pit, as I then thought it, but I find since it was a sand pit.

Q. Have you seen the place since?

A. I was there last week; Mr. Sutton wished to see the place, and he brought me there.

Q. How far is it from the road?

A. He brought me about 30 yards from the road.

Q. Did you assent to his going there?

A. I did not.

Q. Did you make any objection?

A. I could not think what he meant by going into such a place. I asked him what was the reason he went there, and took hold of the reins, thinking the beast was going wrong. I had no other thought at the time.

Q. Describe what his conduct was?

A. Mr. Lidwell alighted from the carriage, and begged of me to alight; I did not like to go out of it; I saw nothing to induce me to get out.

Q. Did you get out of the carriage?

A. He pressed me very much, took hold of the skirts of my habit, and I then suspected from his positive wish to get me out, that he had some improper design; I took hold of the carriage, and declared I never would get out.

Q. What did he do upon this?

A. He



A. He first pulled me by the habit, and then got up on one side of the carriage, or the wheel, and declared I should get out.

Q. Did he suffer you to remain?

A. No; I did what I could to disengage myself from him, but did not succeed; he pulled me into his arms, and forced me out of the carriage. I looked around to try if I could see any person, or any house or cabin, but could not. I exclaimed, "My God! is there no one to help me."

Q. What did Mr. Lidwell do, upon getting you out of the carriage?

A. When he took me out, he put me on my feet, and forced me along a little beyond the horse's head, —he threw me violently upon the ground.

Q. What did he do after this?

A. He did with me as he pleased.

Q. Did you give him any resistance?

A. As long as my strength would enable me.

Q. Madam, it is painful to ask you to give evidence of it, but as you are a married woman, you can answer whether he did use your person as a married man would use his wife?

A. He did, except that he did it by force.

Mr. CURRAN. My Lord, we wish to occasion as little uneasiness as possible. This part of the examination need not be pressed further. We admit the fact as proved sufficiently to support the indictment, provided the jury shall, upon the whole of the case, give credit to the story.

Lord CARLETON. That is extremely fair.

Mr. MOORE. My Lord, I feel it is, and therefore I shall proceed to the other parts of the case.

Q. It was not with your consent?

A. It was entirely against my consent;—as long as I was able I resisted.

D

Q. After

Q. After this what did you do?

A. I really did not know what to do. I got disengaged from him; but was weak after the abuse; he lifted me into the gig. I saw not a soul there; there was no one within view.

Q. Did he return with you in the gig to his own house?

A. He did; I did not meet any person on the road that I knew; he spoke several times to me on the way about the beauties of the country, to which I made no reply. He said at one time, "I wish to God, my Sally, you would consent to live with me for ever." I told him he was a most desperate man to seduce—to want to seduce me from my husband and family; that I never would forgive him; and declared I never would enter the doors of his house again, as long as I lived.

Q. What happened on your return to the prisoner's house?

A. On my return there, I saw Mrs. and Miss Lidwell; I judged it most prudent not to tell them what had passed, but to keep up appearances as if nothing had happened, to prevent any disturbance there, that might prevent my going to my own house, being in a part of the country where I had never been before.

Q. Did you communicate to them any thing of what had passed?

A. I did not. I considered it best to keep it secret, till I got home to my own friends; it would be no advantage to me to tell his family; they would not believe me.

Q. Did you partake of any refreshment?

A. Mrs. Lidwell had prepared a snack for me and her daughter to partake of, before we set off for Portarlington, and I attempted to take share of some fowl, which Mrs. Lidwell helped me to, and a glass of

of wine, to keep up appearances, and not let them suspect any thing.

Q. Was Mr. Lidwell in the room during this time?

A. He was.

Q. How long did you remain there?

A. I suppose about an hour.

Q. Where did you go from thence?

A. To Portarlington.

Q. Who accompanied you?

A. Miss Lidwell accompanied me in the carriage, and we were attended by a servant.

Q. Did you take leave, and in what manner did you part?

A. We parted on good terms in appearance; I thought it the best way, in order to get home, having no mode of conveyance of my own.

Q. Did you salute any of the family upon parting?

A. Mrs. Lidwell kissed me on taking leave, and he followed me, and took me by the hand, and said, "Sure you will not go without taking leave of me," and then kissed me.

Q. What time did you arrive at Glas House?

A. About eight o'clock.

Q. Did you mention any thing of the matter to Miss Lidwell?

A. I did not, I thought it best to conceal it till I got home.

Q. Whom did you meet upon your return home?

A. I met my husband, my mother, and my children. I was very ill, and went to bed at about ten.

Q. Did you mention the transaction that night?

A. No. I was determined to tell my mother, but had no opportunity so to do that night, as my mother slept in the same room in which Mr. Sutton and I slept, as there was no other place, except for servants. The next morning after breakfast I had a conversation with my mother, and I told her that Mr.

Lidwell

Lidwell was a villain, and that he had on the preceding day driven me in a gig to Montgomery's mills, and from thence into a bye-road, between two and three miles from the house, and then turned into a gravel or sand-pit, and there did what he pleased with me; and I told her all the circumstances of that transaction.

Q. Why did you not tell your husband first?

A. I was fearful to tell Mr. Sutton first, and wished to know what my mother thought of it.

Q. What advice did your mother give you?

A. She intreated, she begged for the love of God, and for the sake of myself and my children, not to acquaint my husband of it; she said she was apprehensive that he would forsake me and my children; and seek him who had abused me, and perhaps lose his life; she conjured me to keep it a secret to the hour of my death, as the consequence of telling my husband might be dreadful.

Q. What followed?

A. I promised my mother I would take her advice, and not tell my husband.

Q. Did you afterwards tell your husband of it?

A. I did. I endeavoured whenever in his company to keep up my spirits, but whenever I was alone I would throw myself on the bed, and vent my grief in tears. I was so miserable, that nothing could be equal to it.

Q. Did your husband take notice of your melancholy and dejection?

A. Yes. He observed the pillow was wet with tears, and he urged me to tell him the occasion of my misery: I strove to adhere to my mother's advice, and therefore I told him I was in so much grief because I believed my mother was dying. He often said to me, "Sally, my heart, what grief is it that causes you to be so melancholy."

Q. Your



Q. Your mother, no doubt, was greatly afflicted at your misfortune?

A. Inasmuch so, that I really feared she would lose her life.

Q. What further happened?

A. Monday following I had a party to tea and cards; I was very low spirited and dejected, but I strove to keep up appearances, and to be chearful in the presence of my husband and the visitors.

Q. Who invited the company?

A. Mr. Sutton did. It was at his instance, and the party was intended before I went to Osbertown.

Q. Who were of the company?

A. Mr. Warburton's family and others.

Q. Were any of Mr. Lidwell's friends there?

A. Miss Lidwell, and Miss O'Grady were there.

Q. How did you conduct yourself upon this occasion?

A. I was very low.

Q. Did you mention this outrage at any time to your husband?

A. I did. On Sunday morning the 13th of October.

Q. How came you to mention it?

A. While we were at breakfast Dr. Blair came in; and when he was going away, Mr. Sutton mentioned his intention of dining with Mr. Lidwell that day. After Dr. Blair was gone, I instantly entreated my husband not to dine with Mr. Lidwell on any account. I then told him I had a melancholy tale to tell him, and desired him to go with me into the garden, and I would tell him; on going out of the room I told my husband that that villain Lidwell had ruined me: I then with my husband went into the garden; I told him I was afraid he would forsake me and my children, he declared he would never forsake me. I told my husband every particular of that transaction, as I have told it here.

Q. Was

Q. Was the conduct of Mr. Sutton towards you altered upon this disclosure?

A. Not at all; he kissed me, and said, he never would upbraid me of it.

Q. Had you any reason to think he knew, or suspected the matter before you mentioned it?

A. Not in the least.

Q. Was it a voluntary disclosure on your part?

A. Entirely so.

Q. Did he impute any criminality to you?

A. He did not; he said he was satisfied of my innocence. To this hour he has not imputed any criminality to me.

Q. Did any further conversation pass?

A. Yes. After I had told him of the matter, he asked me how I was affected in my health; I told him I believed my distress occasioned by Lidwell's conduct to me, and what I had suffered in my mind, had brought on a return of my *old* complaint.

Q. By the *old* complaint, you mean the weakness which afflicted you after your lying-in?

A. Yes, Sir.

Q. Had you any suspicion that you had contracted a foul complaint?

A. I had not: but Mr. Sutton said, he supposed I was disordered in the same manner he was himself.

Q. It was therefore a *new* complaint which *then* affected your health?

A. It was a venereal complaint.

Q. Please to relate what followed?

A. He then proposed we should immediately go to my friends at Wexford, to acquaint them of this misfortune, and to consult with them about prosecuting Lidwell.

Q. Did you tell your mother you intended to tell it to your husband, or that you had told him?

A. I did not. I told my mother we were going to Galway,

Galway; and a letter coming to Mr. Sutton afterwards, it was sent by my mother to Galway for him.

Q. On your going to Wexford what followed?

A. We were advised to swear examinations against the prisoner at the bar, and bring him to trial.

Q. Did you swear examinations?

A. I did, first before a magistrate in the country, in which I described the place where the prisoner committed this crime to be a gravel pit; my husband and I went to the place, and found it to be a sand-pit, and I swore a second examination before Judge Downes. The prisoner at the bar was apprehended, and brought before Judge Downes.

Q. Was he there confronted with you?

A. He was.

Q. About what time was the prisoner apprehended?

A. The 27th of October last.

Q. Had you ever given Mr. Lidwell any encouragement for this rudeness?

A. Not the slightest.

Q. It is necessary, Madam, to trouble you with one painful question, to ask you, can you identify the prisoner?

[Mrs. Sutton was here much embarrassed, and after some time, raising her hand, and for the first time during her examination, looked towards the dock, and pointing to the prisoner, said, "*that is he.*"]

*Cross Examined. By Mr. CURRAN.*

Q. You are of a Wexford family?

A. Yes, Sir.

Q. Of the name of Reed?

A. Yes.

Q. You have lived some time near Portarlington?

A. Yes.

Q. Was that your first acquaintance with Mr. Lidwell?

A. It

A. It was since we went there we became acquainted with him.

Q. Mr. Lidwell had a grown-up daughter?

A. He had, she is since married.

Q. What age is Mr. Lidwell?

A. I do not know his age.

Q. What age do you suppose him to be?

A. I suppose him to be between 40 and 50.

Q. Has he not been frequently afflicted with the gout?

A. I have heard so.

Q. Have you not often seen him in that state?

A. Four or five times.

Q. Have you not seen him in his bed-room in that state?

A. I have: but his family were there.

Q. Have you ever been alone with him in his bed-chamber?

A. Never: I have been sometimes in his bed-chamber when he had the gout, but never alone; others of his family were always present.

Q. Did he ever call you by any more familiar name than Mrs. Sutton?

A. He once called me by my christian name, after his conduct, but never before.

Q. Do you recollect your travelling from Portarlington to Dublin in the beginning of the year 1798?

A. I do.

Q. You travelled in company with Mr. Lidwell?

A. I went in the gig with him, my husband and Mr. Carey were with us on horseback.

Q. What sort of weather had you upon your return?

A. I do not recollect.

Q. Pray, Madam, did it not rain exceedingly?

A. Now, I do recollect, I believe it was wet.

Q. The gig had no head?

A. It had not.

Q. If



Q. If you had met any respectable person in a covered carriage, you would have gone into it?

A. I do not know that I would.

Q. Would you have preferred the company of Mr. Lidwell?

A. I had the highest opinion of Mr. Lidwell as a friend.

Q. Nothing more, Madam?

A. I had every friendship for him as a friend.

Q. You found him an agreeable man?

A. I never found him in the least rude; I always considered him a very pleasing man. If Mr. Sutton had been from home, there is no man to whom I would have gone for advice, sooner than Mr. Lidwell.

Q. The first time you went to Dublin, was to have your teeth examined?

A. I had a bad tooth, which I wished to have looked at.

Q. Did you get your teeth dressed?

A. No, Sir.

Q. Pray, how long did you remain in Dublin?

A. Four or five days. Mr. Sutton was detained in Dublin, and I remained with him.

Q. Where did you lodge?

A. In Grafton-street.

Q. Where did Mr. Lidwell lodge?

A. In Grafton-street.

Q. In the same house?

A. Yes, Mr. Carey also lodged there.

Q. You went to Dublin a second time?

A. Yes, Sir.

Q. For what purpose?

A. To bathe in the salt-water: Mr. Sutton took lodgings in Booterstown.

Q. How long did you remain at the salt-water?

A. From the 15th of May to September.

Q. Did Mr. Sutton reside there with you?

E

A. He

A. He did not; he resided at Glas-House, but came often to see me.

Q. You were not very anxious to return to Glas-House?

A. I was not.

Q. Mr. Sutton, however, was very anxious, that you should return home?

A. I thought I had no occasion to go home, till I was to go to the co. of Galway.

Q. Mr. Lidwell visited you at Booterstown?

A. He did.

Q. How often?

A. Two or three times, I cannot exactly tell how often.

Q. He came to see you without Mr. Sutton?

A. He came once or twice without him; he said, if I wanted money, he would let me have it, as my husband could remit it to him.

Q. By virtue of your oath, Madam, did he not go oftener?

A. I do not doubt, but he might have come three times without Mr. Sutton.

Q. Pray, Madam, do you not believe he went four times?

A. I do not think he did, but I am not certain.

Q. How long were you at Booterstown before your health was restored?

A. I was not there a month till I was quite well.

Q. Then you continued there two months after your recovery?

A. I did.

Q. Did not Mr. Lidwell visit you at a house in Dublin?

A. I do not recollect any house in Dublin where Mr. Lidwell visited me.

Q. Recollect yourself, Madam?

A. I never knew of any house in Dublin, where Mr. Lidwell could have visited me, but where he lodged

lodged in the same house upon our first going to Dublin.

Q. Did he never meet you at any other house in Dublin?

A. I do recollect, that I met him one morning at Miss Harvey's.

Q. I have asked you these general questions, Madam, to give you time to recover yourself from your agitation of mind; I shall now, Madam, ask you a few questions, more particularly relative to the present charge against the prisoner: I think you said in your direct examination, that about the 27th of September you went to Osberstown?

A. I did, on the invitation of Mrs. and Miss Lidwell.

Q. What quantity of cloaths did you take with you?

A. I had my habit, and sufficient changes of handkerchiefs and cravats, to stay till Wednesday; I am not sure as to stockings.

Q. What day was fixed for your return home?

A. The Wednesday following.

Q. Are you sure you did not agree to return the Monday following?

A. No; on setting out I did tell my husband I would stay until Wednesday, or perhaps a day or two longer.

Q. By virtue of your oath, did you not tell Miss Lidwell that you would return on Monday?

A. I might have said to Miss Lidwell that I would be home on Monday, but was determined in my own mind to stay till Wednesday, if I liked the place.

Q. How many shifts did you take with you?

A. I do not recollect that I took more than one.

Q. How many pair of stockings did you take with you?

A. I can't tell that I took more than one pair.

Q. The pair which you wore?

A. Yes.

A. Yes.

Q. So you intended to stay from Saturday till Wednesday, and took no change of linen or stockings?

A. There was no company expected, and the things I took might have lasted.

Q. By virtue of your oath, Madam, did you take more cloaths with you than what you actually wore?

A. I am not certain, except cravats and handkerchiefs; my maid might know.

Q. What is her name?

A. Molly.

Q. I recollect to have heard of her. Mr. Sutton and you had some difference about her?

A. No, Sir.

Q. Was not Mr. Sutton displeased with the conduct of that woman?

A. He had some words with her, but would not like to turn her off without my consent.

Q. Pray, Madam, what was the cause of his displeasure?

A. Mr. Sutton said, that she and the servant man did not behave themselves as they ought.

Q. Was not the misbehaviour this, that she was found in bed with the servant man?

A. I don't doubt it.

Q. Did not Mr. Sutton tell you so?

A. No, he said, he had heard things of her he did not approve of.

Q. You did not put her away?

A. She was an extremely good servant; but if Mr. Sutton had desired to put her off, I would have consented.

Q. Then Molly lives with you yet?

A. She does.

Q. At what hour did you dine the day you arrived at Osbertown?

A. About five.

Q. It



Q. It was duskish when you went to walk?

A. No, Sir, it was duskish when we returned, but not when we set out.

Q. Miss Lidwell slipped in passing over a stream, and wet her feet?

A. Yes.

Q. It was duskish then?

A. It was.

Q. Miss Lidwell went home very fast?

A. I do not recollect, I did not take notice. I suppose she might have walked pretty fast, or at her usual rate.

Q. You might have walked as fast if you pleased?

A. I might. I recollect her father bid her run on.

Q. You did not hurry on?

A. No, I did not, I did not think there was any occasion.

Q. The porter's lodge was the direct way to go to the house?

A. It was.

Q. When Mr. Lidwell asked you to walk more, what did he say?

A. He said, "Mrs. Sutton, we may walk a little more."

Q. At this time he had his arm about your waist?

A. He had.

Q. You made no objection to continuing the walk?

A. I had no suspicion he had any improper intentions, or I would not have walked with him.

Q. No doubt, Madam; but you did not make any objection?

A. I did not wish to walk further, I thought it was time to go in, but thought walking a little more of no consequence.

Q. Then you consented to prolong the walk?

A. Mr. Lidwell was such a friend, I had no idea of any bad intention, I thought myself perfectly safe with him.

Q. So

Q. So, instead of going home to the house, when it was duskish, you continued the walk?

A. I went back, because Mr. Lidwell pressed me, and I had such a confidence in him, that I suspected nothing bad.

Q. Then you did not think it improper to walk alone with him so late in the evening, with his arm round your waist?

A. Not with such a friend, as he was considered.

Q. When he tripped you up, as you say, how was it he did it?

A. With his foot.

Q. You fell upon your knees, you said?

A. I did, but got up immediately, and to the best of my knowledge he gave me his hand to help me up.

Q. Did no other familiarity pass upon that occasion?

A. None.

Q. By virtue of your oath, did he not lay his hand upon some part of your person?

A. He did not.

Q. Did he not kiss you?

A. He did not.

Q. Will you say, upon your oath, that he never kissed you?

A. He never did, but when I was leaving his house.

Q. Do you say then, that nothing more passed on the Saturday evening, but what you have mentioned?

A. Nothing more.

Q. Did you say any thing at the time?

A. I said it was behaviour I did not like, and that I would not walk more.

Q. You had no suspicion after all this passed?

A. I did not think he meant any thing upon my honour.

Q. Pray,

Q. Pray, Madam, did he throw you down a second time?

A. He did not.

Q. If such a transaction passed, do you think it possible it might have been seen?

A. I suppose it might, but no such thing passed.

Q. Do you recollect whether there was any hedge from which a person might make observation?

A. I do not.

Q. Was there any ditch to the field into which you and Mr. Lidwell walked?

A. I believe there was.

Q. If any person were concealed there, could he see you and Mr. Lidwell?

A. I suppose so.

Q. When you returned to the house, whom did you find there?

A. Mrs. Lidwell and Miss Lidwell.

Q. Did they make any enquiries as to your delay?

A. They did not.

Q. Were you and Mr. Lidwell left alone for any time that evening afterwards?

A. I believe we were left alone for about a minute when Mrs. Lidwell went for tea.

Q. You did not seem much surprized at Mr. Lidwell's conduct; it might be matter of curiosity to know how far a man might proceed without exciting alarm?

A. I thought it was very rude; it was what I did not like.

Q. Consequently you avoided his company afterwards?

A. I did not wish to be alone with him; I did not wish to encourage any man.

Q. With respect to Sunday, it was a day of rest; therefore I pass it over: when you set out first for the mills on Monday, you walked in company with Mr. Lidwell?

A. I

A. I did, but objected as I found the roads dirty.

Q. You then returned to the house?

A. We did.

Q. What part of the house did you retire to?

A. I went up stairs to change my shoes, which were dirty.

Q. You said Miss Lidwell declined accompanying you. Did you not hear her before that time complain of being ill?

A. She complained of a head-ach the night before?

Q. You helped Mr. Lidwell into the gig?

A. No, Sir.

Q. By virtue of your oath, Madam, did you not help him into it, or out of it upon his return?

A. I did not.

Q. You say you did not go to the same mills you had been at on Saturday evening?

A. We went there first, but they had not the flour we wanted, then we went to the others.

Q. The place where this alleged transaction happened, you now describe to be a sand-pit?

A. Yes, Sir.

Q. You had described it otherwise before?

A. I had described it in my first information as a gravel-pit.

Q. Was it such a place as a carriage could drive into?

A. I believe a carriage of that kind could drive into it?

Q. The carriage however was not concealed in it?

A. I believe the carriage was concealed from the road at the time.

Q. At which side of the road, as you drove from the mills, was the sand-pit?

A. On the left side.

Q. At what distance?

A. Mr.



A. Mr. Sutton thinks it about three miles from Osterstown, but I can't be certain.

Q. Did not some familiarities pass before you arrived at the mills?

A. When we first set out, about a quarter of a mile from the house, he put his arm round my waist; I put it away, and said, if he did so again, I would get out and walk.

Q. You had no suspicion then, Madam?

A. I had no thought there was any thing in his head?

Q. What, Madam, although you remonstrated with him?

A. I did not wish to encourage the freedom, but did not think he meant any thing by it.

Q. Did he say any thing at the time?

A. He said, "Sure you won't walk in the dirt," and immediately desisted.

Q. Did he put his arm about you again?

A. No, he did not.

Q. Did nothing more pass?

A. We chatted about indifferent matters.

Q. Can't you recollect some of the particulars?

A. He pressed me very much to stay that day. I told him I would not, and said it was his freedom prevented me.

Q. At the time you went to the sand-pit, are you positive you did not see any person?

A. I am sure there was no person within view. I looked attentively about, when Mr. Lidwell went to get out of the gig, and could see nobody.

Q. Mr. Lidwell was shortly before this ill in the gout?

A. He was.

Q. You did not suspect he had any criminal design?

A. When I saw he was determined to get me out, I suspected his purpose. When he took me in his

F

arms,

arms, I suspected him, and looked about for assistance.

Q. You did not make any noise?

A. If I had seen any one, I would have called.

Q. Then the truth is, you did not?

A. I did exclaim, "Good God! what shall I do, is there no one to help me." I would have called out more vehemently and screeched, if I had seen any one to assist me.

Q. But the truth is, Madam, you did not screech?

A. I did not.

Q. How far distant was the road?

A. About 30 yards.

Q. You don't say, that the prisoner deprived you of speech, he did not knock you down?

A. He did not. He took me violently, and left me without power.

Q. You said he put you on your feet?

A. He did; and pulled me violently above the head of the horse.

Q. Some time must have elapsed by your account, how long were you in the pit?

A. I suppose five or six minutes, while he was perpetrating his purpose.

Q. And during all that time you never screeched out?

A. I did not.

Q. Pray, Madam, how was the horse fastened?

A. I do not know whether he was fastened or not.

Q. You speak of violence, was much force used?

A. He used much force, so as to effect his purpose, he left me without power.

Q. You say you made no resistance?

A. I struggled as far as I was able.

Q. Pray, Madam, was your habit, or your cloaths dirtied?

A. Mr.

A. Mr. Lidwell shook my habit, when he put me on my feet.

Q. Was there no observation made upon your dress, when you returned to Osbertown?

A. No, Sir.

Q. Nor upon his?

A. Not that I heard; I suppose the sand was clean, and that was the reason of it.

Q. Did no person observe on your appearance, when you returned to Osbertown?

A. Nobody. I endeavoured to keep up every appearance.

Q. Mr. Lidwell was in the room, when you partook of the snack?

A. He was.

Q. You saw him there?

A. I did.

Q. You had your eyes upon him?

A. Sometimes I had.

Q. You did not faint at that time?

A. No, Sir.

Q. You were not so much affected then as you appeared to be to-day, at seeing him in the dock?

A. I could not help my emotions at seeing him.

Q. Pray, Madam, when did you first take up the resolution of prosecuting Mr. Lidwell?

A. The wish came into my mind as soon as ever I spoke to Mr. Sutton.

Q. It was he suggested the idea to you?

A. He said, "With your assistance, I will punish him;" and I said I was very willing to do so.

Q. You did not intend to tell Mr. Sutton?

A. I did, but at first my mother dissuaded me.

Q. You knew if you told him it must be made public?

A. I did not care.

Q. Why did you not complain at Osbertown?

A. I was afraid Mr. Lidwell might have run off with

with me, and I could not get home; he might have prevented my prosecuting him.

Q. You did not tell the transaction to any of the family there?

A. It would be no advantage to me to disturb the family, and perhaps Miss Lidwell would not believe me.

Q. You were cheerful on the road to Portarlington?

A. No, Sir.

Q. Did you not sing a song in the gig while returning with Miss Lidwell?

A. I did not.

Q. Nor a verse of a song?

A. No, Sir.

Q. There was a servant attending you?

A. There was.

Q. You cracked no joke with him?

A. No, Sir.

Q. Do you remember a Lady and Gentleman passing, and something being said about the wheel of the carriage being loose?

A. I do.

Q. What was it was said?

A. The servant told the gentleman the wheel was loose, and the gentleman answered him harshly.

Q. Was that all?

A. It was.

Q. You made no remark?

A. No, Sir.

Q. By virtue of your oath, Madam, did you not say, "Davy, see what you got for that," or something like that?

A. I did not.

Q. You had determined not to tell Mr. Sutton of this transaction?

A. I was determined when I got home, to tell my



my mother first, and I was also determined to tell Mr. Sutton.

Q. What time did you arrive at Glas-House ?

A. About eight o'clock.

Q. What time did you go to rest ?

A. Between ten and eleven.

Q. How soon did you know of the return of the old complaint, as you thought it ?

A. In about five days after.

Q. You told Mr. Sutton of that before you mentioned Mr. Lidwell's conduct ?

A. No, I told him of Mr. Lidwell, before I mentioned the complaint.

Q. Did you tell your mother of the return of your complaint ?

A. I did not.

Q. Did you ever tell her of it ?

A. I never told her till Mr. Sutton told her.

Q. You say you told Mr. Sutton freely ?

A. I did.

Q. What reason had you for telling him upon that day ?

A. Because he was going to dine with Mr. Lidwell that day.

Q. Had he not asked you something about it, before you told him ?

A. He had not ; I told him without his asking any thing.

Q. Had not Mr. Sutton found himself disordered before you told him ?

A. I can't answer as to that.

Q. Had he not been talking to Dr. Blair upon the subject ?

A. I think it was the day before, that he was talking to Dr. Blair, as Mr. Sutton told me.

Q. When did Mr. Sutton tell you so ?

A. On Sunday, when I told him of Mr. Lidwell's conduct ; he told me he had been speaking to Dr.

Dr. Blair, and that he had found he was disordered, and that he supposed I was as he was.

Q. Had he not mentioned something of it before that day?

A. Never, till Sunday.

Q. Mr. Sutton slept with you on Saturday night?

A. He did.

Q. Did he not betray some symptoms of discontent and passion?

A. I did not perceive any.

Q. Mr. Sutton might have contracted the disorder by his own libertinism?

A. I believe he was conscious he had not.

Q. But you cannot undertake to answer for that?

A. If I could answer for any man, I believe he had no intercourse with any woman but myself, since our marriage.

Q. Did you make use of any particular expression, when you found your husband knew he had contracted a foul disease from you?

A. I did not.

Q. Such as that you must go to pot, or somebody's life be sacrificed?

A. I did not.

Q. No person saw the transaction in the sand-pit?

A. There did not.

Q. You are certain that no person can be called, as to what passed there, but yourself?

A. I am sure of it.

Q. Then, Madam, you know you are swearing where you are safe from contradiction?

A. It would be a very shocking thing, if I could think of taking away any one's life, if I was not conscious of my own innocence?

Q. You feel that you are attacking this man's life. Do you not feel that it is a struggle between his life and your own character?

A. His

A. His behaviour was against my consent, and I think it more just he should suffer than me.

Q. Had not your husband an intention at first of bringing an action against Mr. Lidwell?

A. He had not.

Q. Was it not debated among your family, whether he should bring an action of crim. con. or not?

A. I never heard it.

Q. You have seen the examinations which you swore?

A. Mr. Waddy gave me a copy of them.

Q. Did any one speak to you as you came into court, as to what you were to say?

A. There did not.

Q. Did no one say to you, "Be firm, and go thro' with it,—all depends upon it?"

A. No; I was desired to be firm, and tell the truth.

[Here the examination of Mrs. Sutton closed, and she was conducted out of court. It is to be observed that upon the application of Mr. Lidwell's counsel, all the witnesses on both sides were ordered out of court, except the person under examination, in order that they might not hear each other's testimony.]

*Mrs. Naomie Reed, sworn.*

Examined by Mr. JOHNSON.

Q. You are the mother of Mrs. Sutton?

A. Yes, Sir.

Q. And the widow of Mr. Reed, who lived in the town of Wexford?

A. Yes, Sir.

Q. He is dead some years?

A. He is.

Q. Mrs.

Q. Mrs. Sutton is your only child?

A. She is.

Q. Where was she educated?

A. At home.

Q. Where have you lived since your daughter's marriage?

A. I have generally resided with Mr. Sutton.

Q. Upon what terms did Mr. and Mrs. Sutton appear to be?

A. They always appeared to be a very happy couple.

Q. Did you accompany Mrs. Sutton to Bootertown?

A. I did.

Q. Was Mr. Sutton's family intimate with Mr. Lidwell's?

A. Very intimate.

Q. Do you recollect Mrs. Sutton's going to Osbertown upon a Saturday, in the month of September last?

A. I do.

Q. Did she say any thing to you upon that occasion?

A. She told me she believed her stay would be till about Wednesday.

Q. Do you know on what day she did return?

A. She returned on the Monday evening, and we were greatly surprized to see her return so soon.

Q. Whom did she return with?

A. With Miss Lidwell in a gig, attended by a servant on horseback.

Q. At what hour did she return?

A. At about eight in the evening.

Q. In what disposition did she appear to be?

A. Very low spirited and dejected; she went to bed between ten and eleven.

Q. In what part of the house did you sleep?

A. At



A. At that time I slept in the same room with Mr. and Mrs. Sutton.

Q. Did your daughter relate any thing particular to you that night?

A. Not that night; but on Tuesday morning after breakfast, she told me she had a most melancholy story to tell. She told me she had gone out with Mr. Lidwell in a gig, to get some flour at the mills, and that on his return he drove her into a gravel pit, and did what he pleased with her.

Q. Did she mention the injury committed?

A. She said, he violated her person.

Q. Did you give your daughter any advice upon this occasion?

A. I urged her in the most solemn manner, for the sake of herself and her children, to keep the matter a secret from her husband to the day of her death, fearing, if she told him, he would forsake her and her children, fire at Mr. Lidwell, and perhaps lose his own life.

Q. Did your daughter acquiesce in your advice?

A. She promised me she would not tell him.

Q. What was the appearance of your daughter at this time?

A. It was most melancholy and distressing.

Q. How long did this appearance continue?

A. Until they left Portarlinton.

Q. Did they tell you where they were going?

A. They told me, they were going to Galway, but I find since, that they went to Wexford.

Q. Did your daughter tell you, that she would disclose the matter to her husband?

A. She did not.

Q. You had recommended silence to her?

A. I had earnestly pressed her to be silent.

Q. Did you ever see any thing in the conduct of your daughter, to make you regret the pains you had taken in her education?

A. I did not.

Q. Did you ever observe any thing of levity in her conduct towards men?

A. I never did, of all women in the world.

Q. Did you observe any thing particular in her conduct towards Mr. Lidwell?

A. I never did.

Q. Did you observe any thing particular in his conduct towards her?

A. By no means.

Q. Do you know Miss O'Grady?

A. I do, she is sister to Mr. Lidwell's wife.

Q. She was intimate with your family.

A. She was.

Q. Do you recollect the particular expressions you made use of to your daughter, when you recommended to her to be silent?

A. I begged and entreated of her, for the love of God Almighty, not to tell her husband.

Q. Could you observe from her behaviour, what her sensations were?

A. Her behaviour shewed much sorrow and grief; she was constantly crying when we were together?

*Cross Examined. By Mr. O'GRADY.*

Q. Your daughter has frequently talked over this melancholy story with you?

A. She has.

Q. She spoke to you upon the evening of her return from Osbertown?

A. She did, but not upon this subject.

Q. You said she appeared very melancholy that evening?

A. She did.

Q. You did not ask her the reason of it?

A. I did not.

Q. You

Q. You did not observe any thing unusual in her dress?

A. I did not.

Q. She came into the house, in appearance, as if nothing had happened?

A. She did.

Q. She seemed easy in herself?

A. She seemed quiet, but was sad.

Q. Who went to bed first that evening?

A. I did.

Q. Mr. Sutton did not go to bed for some time after?

A. He did soon after.

Q. What room were the beds in?

A. In the parlour?

Q. Did Mr. Sutton remain in the parlour while you were going to bed?

A. No, he went out to give me an opportunity of going to bed.

Q. Mrs. Sutton remained in the room that time?

A. She did.

Q. And said nothing?

A. Nothing particular: she went to bed soon after me, some short time before Mr. Sutton returned.

Q. Who got up first in the morning?

A. I do not recollect.

Q. Did you rise early?

A. We were all up a very short time before breakfast.

Q. Mrs. Sutton eat breakfast with you?

A. She did; but was very low in herself all that morning.

Q. Mr. Sutton did not perceive any thing particular in her manner?

A. I believe not.

Q. How soon did your daughter tell you of the transaction?

A. Immediately after breakfast.

Q. Has

Q. Has any one ever told you to be particular as to the day?

A. Nobody.

Q. Don't you believe Mr. Sutton would have been dissatisfied with your daughter, if he thought she consented to an intercourse with Mr. Lidwell?

A. I do.

Q. Do you not believe he would immediately quit her?

A. I do; but I believe he would continue to live with her, if he thought it was committed by force.

Q. Mrs. Sutton invited some company after she told you of this matter?

A. It was Mr. Sutton's wish to have company before he left the country.

Q. Do you not believe that Mrs. Sutton invited the company?

A. She asked some of the company, by her husband's desire.

Q. Did you, yourself, ask any of the company?

A. I did not.

Q. Did you hear of your daughter's illness returning upon her?

A. Never, till Mr. Sutton told me of it.

Q. Did Mrs. Sutton never tell you of it?

A. Never, until after Mr. Sutton had told me of it.

Q. It was in the year 1799, that Mrs. Sutton had the weakness for which she went to bathe?

A. It was.

Q. Did you not hear of her illness afterwards?

A. Not till after their return from Dublin, when Mr. Sutton told me.

Q. Did she tell you that Mr. Lidwell had offered her any other freedom?

A. She did not.

Q. Do you consider it a freedom for him to put his arm round her waist?

A. I



A. I consider a friend might do it.

Q. And press her to his bosom?

A. That might depend upon their acquaintance.

Q. Should you think throwing a lady upon her knees an impropriety?

A. I should.

Q. Would you think it sufficient to cause of suspicion?

A. I do not think she could imagine Mr. Lidwell would be guilty of any thing improper.

Q. Was Miss Lidwell with you when you had the company at Portarlington?

A. She was.

Q. Who filled out the tea that evening?

A. I can't tell.

Q. Miss Lidwell might have done it?

A. To be sure she might, without my knowing it; I was at cards.

*Examined by the Court.*

Q. Have you often spoke to your daughter upon the subject?

A. Frequently; almost every day.

Q. In what manner did she express herself concerning it?

A. She said, that Mr. Lidwell had used her so ill, and she was so shocked, that she would not care if she lost her life.

Q. You swore examinations relative to this matter?

A. I did.

Q. Upon your daughter's account?

A. Yes.

Q. You then understood that your daughter had sworn examinations?

A. Mr. Sutton told me so, when he returned from Dublin.

[Here

[Here a card was shewn to the witness, which, she said, she believed was Mrs. Sutton's hand-writing.]

*Jacob Sutton, Esq.*

Examined by Mr. RIDGEWAY.

Q. You are the husband of Mrs. Sutton?

A. I am.

Q. How long have you been married?

A. Seven years next May.

Q. Upon what terms have you and Mrs. Sutton lived during that time?

A. We lived as happy as any couple, I suppose, in the universe.

Q. At what time did you go to the neighbourhood of Portarlington?

A. In February 1798.

Q. Did you become acquainted with the prisoner?

A. I did: the greatest intimacy possible subsisted between us.

Q. What opinion did you entertain of Mr. Lidwell?

A. Sir, my opinion of him was such, that if I had been base enough to commit an act, for which the laws of my country would have sentenced me to Botany Bay, I should have considered that man (*pointing to the prisoner*) as the best protector with whom to leave my wife and children.

Q. Do you recollect your going to Dublin in the summer of 1798?

A. I do; I went to Dublin in July 1798.

Q. Who accompanied you?

A. Mr. Lidwell, Mr. Carey, and Mrs. Sutton.

Q. Where did you lodge?

A. We slept the first night at Cope-street hotel, and next day we took lodgings in Grafton-street?

Q. Did you all lodge in the same house?

A. We

A. We did. I kept the mess-book, and Mr. Lidwell and Mr. Carey each paid a third.

Q. What occasioned your going to Dublin at that time?

A. I was appointed by the Portnahinch cavalry to buy cloathing, and I was detained some days in getting it. Mrs. Sutton had a bad tooth, and expressed a wish to go to Dublin.

Q. In what manner did you travel?

A. Mr. Lidwell drove Mrs. Sutton in a gig; Mr. Carey and I rode.

Q. In what manner did you return?

A. In the same way?

Q. What kind of weather had you upon your return?

A. The morning was blustery, and the evening was very wet.

Q. Do you recollect the circumstance of a seat in a carriage having been offered to Mrs. Sutton?

A. I do; and it was refused by my desire.

Q. When did Mrs. Sutton go to the salt-water?

A. On the 15th of May 1799.

Q. For what purpose did she go there?

A. On account of an illness, for which she had found the salt-water an effectual remedy three years before.

Q. While she was at the salt-water did you visit her?

A. I went up to see her every fortnight or three weeks.

Q. Did you know whether Mr. Lidwell visited her there?

A. I know he went there once, and another time he accompanied me in a hack from Dublin, but refused to go into the house.

Q. Do you recollect Mrs. Sutton's going to Osbertstown?

A. I do.

Q. Was

Q. Was that visit with your knowledge?

A. It was.

Q. And with your consent, I presume?

A. It was.

Q. Do you recollect what stay she intended to make.

A. I asked her how long she would stay; "she said, till Wednesday, or perhaps I may stay longer."

Q. When did she return?

A. On Monday evening about eight o'clock.

Q. Did you find any alteration in her temper or disposition after this?

A. A very great one. Every night, when I went to bed, I found her crying; I asked her, "Sally, my heart, what's the matter with you?" to which she would reply, she feared her mother was dying.

Q. Do you recollect Dr. Blair's visiting you on a Sunday morning?

A. I do. I had desired him on Saturday to come and see Mrs. Read and Mrs. Sutton; I had dined with him that day at Dr. Clarke's. In the course of the evening I found very extraordinary symptoms, and I said to them, if I had connexion with woman-kind, except my wife, I would swear I was disordered. Dr. Blair said, it was nothing, it was the effect of some strain, and I rested contented.

Q. After this declaration by Dr. Blair, did you think yourself disordered?

A. I did not.

Q. Did Dr. Blair come in the morning?

A. He did.

Q. Did any thing pass between you and Dr. Blair respecting Mr. Lidwell?

A. After breakfast, I said, "We shall meet in town, as I intend to dine with Lidwell to-day."

Q. Mr. Lidwell had by this time returned from Osbertown?

A. He had; he came to the fair of Portarlington.

Q. Why



Q. Why did you desire Dr. Blair to call upon you?

A. To see Mrs. Reed, who I thought was unwell; and Mrs. Sutton was in a most melancholy state; I often found the pillow wet with her tears.

Q. Did any thing particular happen after Dr. Blair left you?

A. Immediately after he went away, I was at my desk in the parlour; Mrs. Sutton came to me much agitated; I asked her, what was the matter? she said, she had a circumstance to tell me, but was afraid of her life. My God, said I, what have you to tell me? "Oh," says she, "I am afraid. You must promise not to leave me." I promised her faithfully I would not; she then took me to the garden, and on the way she burst into a flood of tears, and said, "that villain, Lidwell, drove me into a sand-pit, (or gravel-pit, I don't recollect which,) and did what he liked." My mind was so confused, I walked up and down the garden for some time, and then told her, I would like her better than ever for telling me.

Q. Did any further conversation pass between you and Mrs. Sutton in the garden?

A. After we had walked up and down very much agitated, I said to her, "With your assistance, I'll be satisfied."

Q. Did she make any reply?

A. She said, "There's nothing to do to punish him, but I will do, think of the villain wanting me to forsake you, and my four children, and my mother, and go live with him." I then asked her, did she find any difference in her health for some days past. "No, my heart," replied she, "nothing extraordinary; I have got a return of my old complaint from my distress." "No," said I, "he has disordered you, and you have disordered me."

Q. Was this the first time you suspected you were disordered?

H

A. It

A. It was. I had perceived some symptom on Saturday, but thought nothing of it till this time.

Q. Did Mrs. Sutton mention any further particulars respecting Mr. Lidwell's conduct while she was at Osbertown?

A. She told me he had offered her some rudeness on the Saturday before.

Q. Did she mention this to you at the same time that she disclosed the transaction?

A. On the very same day.

Q. Have you seen the sand-pit?

A. I have; I brought Mrs. Sutton there twice; the last time was last Thursday.

Q. Whereabouts is it situated?

A. It is on the road from Johnstown to Sallins, on the hill, about half a mile from Mr. Hendrick's house.

Q. Upon which side of the road?

A. On the left-hand side of the road.

Q. What distance is it from the road?

A. The end of it is about 50 yards from the road.

Q. Is it deep?

A. Part of it is deep. When I stood in it, tho' I am a tall man, I could not see any house, not even the paper-mills.

Q. Were informations sworn against the prisoner?

A. Not immediately.

Q. Why so?

A. I intended first to go up to Dublin to Mr. Waddy; but I afterwards thought it right to go to her friends.

Q. Did you go any where in consequence of this resolution?

A. We went immediately to the town of Wexford.

Q. What was determined upon after consulting with her friends?

A. It

A. It was determined by me and her friends to prosecute the prisoner.

Q. Had you any intention of bringing an action for damages?

A. Never.

Q. Where did you go to from Wexford?

A. I went to see my brother, and from thence to Dublin on Sunday, and the examinations were sworn on Monday.

Q. How soon did you return to Portarlinton?

A. I returned on Tuesday with the warrant.

Q. Had you any conversation with Mrs. Reed on this subject?

A. I had after my return to Portarlinton.

Q. Had you any conversation with her before you left Glas-House for the co. of Wexford?

A. I had not.

Q. Did you communicate to her your intention of going to Wexford?

A. I did not. My wife desired me not. When I returned I found two ladies with her; as soon as they were gone, I told Mrs. Reed, that I was in full possession of the affair, and had the warrant against Mr. Lidwell.

*Cross Examined. By Mr. BARRINGTON.*

Q. You have been in the habit of talking to Mrs. Sutton upon this business?

A. I have.

Q. You knew what she would say?

A. I believe I did.

Q. She swore two examinations?

A. She did.

Q. You have often read them?

A. Never, since they were lodged with Judge Downes.

Q. You must feel that it would be very unpleasant to

to have any contradiction between your testimony and Mrs. Sutton's?

A. Nothing more unpleasant.

Q. You heard the purport of the two informations?

A. I never heard particularly the purport of the second information.

Q. What distance did you say the sand-pit was from the mills?

A. The nearest road, it is about a mile and quarter from the mills.

Q. You could see it easily from the road?

A. No, indeed. Mrs. Sutton had great difficulty in finding it out; we traversed the roads for some time, and at last found it: it answered her account exactly.

Q. Is there not some house near it?

A. The nearest cabins are about a quarter of a mile.

Q. When you first went to Dublin, it was to purchase cloathing for the yeomanry?

A. It was.

Q. Mrs. Sutton had no necessity for going at that time?

A. It was intended she should not go; but on account of a bad tooth, she mentioned a wish to go to Mr. Hudson.

Q. And yet when you arrived in Dublin, you did not go to Mr. Hudson?

A. We did.

Q. How did it happen then that nothing was done?

A. I left her there some minutes, and returned; Mr. Hudson thought it dangerous to meddle with her teeth, as she was pregnant, and got into hysterics and convulsions; he advised that nothing should be then done to them.

Q. You remained in Dublin after this?

A. About five days.

Q. Had



Q. Had not Mr. Lidwell been confined in the gout for some time, previous to Mrs. Sutton's going to Osterstown?

A. He had for five or six weeks.

Q. You have yourself indulged in gallantry?

A. I am positive I never knew any woman these five years, but my wife.

Q. Where were you when she returned from Osterstown?

A. I met her and Miss Lidwell at the gate.

Q. You, at that time, did not observe her to be in a melancholy state?

A. I did not. I paid more attention to Miss Lidwell than to her.

Q. Was Mrs. Reed ill when Mrs. Sutton was at Osterstown?

A. She was not.

Q. Did not Dr. Blair attend her at that time?

A. He did not.

Q. Mrs. Reed's death would not be an unpleasant circumstance in a pecuniary way?

A. I should be sorry any thing happened to her.

Q. She has a comfortable jointure, has she not?

A. She has; but she has other children, and divides her property.

Q. Did not you tell Dr. Blair you had a connexion with some woman?

A. I did not.

Q. Did you not mention something of the harvest women?

A. I did not.

Q. Was it not something of that kind that led you to suspect the disorder?

A. It was not. I would not have supposed it was that disorder in any course of time, without the discovery of the transaction.

Q. Do you recollect Mrs. Sutton's telling you some dream she had about Mr. Lidwell?

A. I

A. I do not.

Q. Did you ever mention such a thing in joke or earnest?

A. I never did.

Q. When you returned from Dublin, after the informations were sworn, did not Mr. Lidwell call to see you?

A. The day after my return he called upon me.

Q. Were you not invited to dine with him that day?

A. I was asked to dine with him that day.

Q. Why was not the warrant executed at that time?

A. I waited the arrival of my brother; I would not trust it to any one else.

Q. Was any part of Mrs. Sutton's evidence reported to you before you came upon the table?

A. It was not: but I was told she was perfectly consistent.

Q. Did you give her any directions about her evidence?

A. None but these: I bid her be firm, tell the truth, and fear no man.

*Joshua Sutton, Esq.*

Examined by Mr. MOORE.

Q. You are brother to Mr. Jacob Sutton?

A. I am.

Q. Do you recollect going to Portarlington last year, and upon what occasion?

A. I went there in the month of October, in consequence of a letter I received from my brother, that he had a warrant against the prisoner.

Q. The prisoner was arrested under that warrant?

A. He was.

Q. Did

Q. Did you hear him say any thing upon that occasion ?

A. Whilst I was guarding him in a room, he said to me, " Sir, if you and your brother will listen to me dispassionately, I would prove to you, in a few minutes, by the testimony of physicians, that it was impossible for me to commit the act." The prisoner also said, " he had not knowledge of his wife for several years, that he had physicians attending him for a dreadful gleet, which totally debilitated him." I replied to him, " You, villain, if there was any thing necessary to convince me, it is what you have mentioned ; you have communicated your disorder to Mrs. Sutton, and she to her husband."

Q. What kind of woman was Mrs. Sutton in her behaviour ?

A. A very properly behaved young woman; her habits were retired, and she had not much knowledge of the world.

Q. Upon what terms did Mr. and Mrs. Sutton live ?

A. I did not suppose there could be a more happy couple.

*Cross Examined. By Mr. Mc. NALLY.*

Q. You were not very tranquil in your mind at the time you arrested this gentleman ?

A. I was not. I was irritated at hearing what he had done.

Q. Then you were not disposed to give him a patient hearing ?

A. I certainly would give him a temperate hearing.

Q. And as a specimen of your temper and your humanity, you called him " a villain !"

A. I called him a villain, when he said he had a gleet, which disabled him.

Q. Did

Q. Did Mrs. Sutton communicate any particulars of this transaction to you?

A. She did not.

Q. Of whose understanding have you the better opinion; your brother's or your own?

A. I think he is wiser than I am.

Q. You probably know what a gleet is?

A. I do: I have had several.

Q. Is not the effect of a gleet to debilitate a man?

A. I never was debilitated by them.

Q. At the time of the conversation you mention with the prisoner, did he not beg to have Dr. Blair sent for?

A. Mr. Lidwell wanted to know if he could have Dr. Blair.

Q. And in your humanity he was refused?

A. No: Dr. Blair was brought into the room.

Q. What passed afterwards?

A. I left the room, not thinking it proper to remain.

Q. Do you not think that an acquittal of the prisoner will affect the honour of your family?

A. I do.

Q. And that a conviction will clear the character of Mrs. Sutton?

A. It will.

Q. You heard Mrs. Sutton say, she did not struggle, nor cry out?

A. I did.

Q. You are an athletic man, much younger, and stronger than the prisoner, and have had connections, by your own confession, with women. Now, on your oath, Sir, might not any of those women have prevented such connexion had they struggled? or had they cried out?

A. I can't tell, for I never met a woman that was not as willing as myself.

Q. Then the prisoner might have met in the Lady who



who prosecutes, a woman as willing as himself?—  
I won't press the question, you can't swear the contrary?

A. I cannot.

Q. Then, Sir, all you can say on the question trying, is this, that you heard from your brother, that he heard from his wife, those circumstances which the jury have heard from you?

A. Certainly.

*Mrs. Elizabeth Ogle.*

Examined by Mr. JOHNSON.

Q. You are the wife of the Rt. Hon. George Ogle?

A. I am.

Q. Do you know Mrs. Sutton?

A. Yes.

Q. Where did you know her first?

A. In Wexford.

Q. How long have you known her?

A. Since she was an infant.

Q. What was her conduct and behaviour?

A. A most innocent girl, and the best conducted in every particular.

*Cross Examined. By Mr. MONTGOMERY.*

Q. You have not known much of this lady, since her marriage?

A. Not so much as before, but I have heard of her.

*Richard Neville, Esq.*

Examined by Mr. RIDGEWAY.

Q. Do you know Mrs. Sutton?

I

A. I

A. I do.

Q. How long have you known her?

A. I knew her when she was Miss Reed, mostly since she was born?

Q. What was her conduct and behaviour?

A. I always heard she was remarkably well behaved and well conducted.

*Cross Examined. By Mr. BARRINGTON.*

Q. Have you known much of her since her marriage?

A. Not much, but may have seen her.

*Mrs. Elizabeth Sutton.*

*Examined by Mr. JOHNSON.*

Q. You are the mother of Mr. Sutton?

A. I am.

Q. How long have you known his wife, Mrs. Sutton?

A. Since she was eight years old.

Q. Then of course you had frequent opportunities of observing her conduct?

A. I certainly had.

Q. How did she conduct herself?

A. In every particular with the greatest propriety, and what one would wish from the nearest relative.

Q. What has been her character since her marriage?

A. Of the most delightful, innocent character.

Q. Have you observed whether she indulged in any kind of levity with men?

A. Quite the reverse.

*Cross*

*Cross Examined. By Mr. ESPINASSE.*

Q. Have you been much in this Lady's company, since May twelvemonth?

A. I have not. I have been in England.

Q. Were you with your son and his family in Portarlington?

A. I was not.

Q. Then you had no opportunity of observing her conduct in that town?

A. I had not.

Q. For the last two years you had no opportunity of knowing her conduct.

A. No, except from character.

[Here the evidence for the prosecution closed.]

The Prisoner was called upon for his defence, and he was asked, whether he wished to say any thing, or leave his defence to his counsel?

*Prisoner.* My Lord, I thank you, I will leave my defence to my counsel.

# D E F E N C E.

*Mrs. Mary Grady.*

*Examined by Mr. CURRAN.*

Q. You are the prisoner's daughter?

A. Yes.

Q. You lived with him in September, October, and November last?

A. Yes.

Q. You have been since married?

A. I have.

Q. Your

Q. Your father in September last was very ill in the gout?

A. He had been confined for several weeks in a violent fit of the gout, from 8th August to latter end of September; in all about five or six weeks.

Q. In what state was he after his recovery?

A. I never saw him after a fit so weak in his limbs.

Q. Was he subject to that complaint?

A. He was very subject to the gout.

Q. Mrs. Sutton, I understand, was invited to Osberstow?

A. Mrs. Sutton had been asked by Mrs. Lidwell, on account of her expressing a wish to see it; we had scarcely any furniture there: Mrs. Sutton left Portarlington with me, with a fixed resolution to return on Monday.

Q. Did you hear her say so?

A. She expressed that resolution in my presence in Portarlington.

Q. Had Mr. Lidwell gone to Osberstow before you and Mrs. Sutton went there?

A. Mr. Lidwell and Mrs. Lidwell had gone to Osberstow the day before.

Q. Do you recollect in what state of health your father was at that time?

A. I never saw any thing so infirm as he was the day we got to Osberstow; when we walked out, he was so weak he could not walk without the assistance of my arm and Mrs. Sutton's, which she offered him.

Q. Did you all return to the house together after your walk.

A. I returned in consequence of wetting my feet, by stepping into the water, from my father's weakness in helping me over a stream; I returned by Mrs. Sutton's desire.

Q. At what time did Mrs. Sutton and Mr. Lidwell return?

A. Mrs.



A. Mrs. Sutton and Mr. Lidwell returned in about half an hour; tea was ready.

Q. Did you observe Mrs. Sutton's appearance on her return?

A. I did.

Q. Did you see any thing particular?

A. I saw nothing particular in it, but just as on former occasions.

Q. Were they alone together for any time after?

A. I left the room about domestic business; when I returned, I found no one in the parlour but Mrs. Sutton and my father, for my mother had also gone out.

Q. How did you spend Sunday?

A. We went to church.

Q. In what manner?

A. Mrs. Sutton, my mother, and I went in the chaise, and Mr. Lidwell on horseback.

Q. Did you all return at the same time?

A. No; Mr. Lidwell remained in Naas; we went to drive after church.

Q. Did you on that day hear Mrs. Sutton say any thing about returning to Portarlinton?

A. I heard Mrs. Sutton say, she would return to Portarlinton next day, according to her original intention.

Q. Do you recollect any conversation next day about the purchase of some flour?

A. Mrs. Sutton said, she wanted to buy half a stone of flour, and said she believed Mr. Montgomery's was the best place.

Q. Was it agreed to go there?

A. We proposed to walk to the mill, but Mrs. Sutton feared to get wet in her feet.

Q. What was done in consequence?

A. My father proposed to go in the gig, and proposed that I should drive, which I declined to do, having

having twenty miles to drive that day, and thinking it would fatigue me too much.

Q. Did you decline this in the hearing of Mrs. Sutton?

A. I did; she heard me.

Q. Did you see your father and Mrs. Sutton return from the mills?

A. I did.

Q. Had they any flour with them when they returned?

A. They brought no flour; I asked Mrs. Sutton why, and she said, my father would not give her the trouble of standing up in the gig, to have it put in the well.

Q. Did you happen to see who first got out of the gig?

A. I was sitting by the fire in the breakfast room, when I saw the gig return, and I went to the hall door. Mrs. Sutton got out first, and assisted Mr. Lidwell with her arm, and a servant also assisted him; she had got out at the opposite side from the door, came round to the side next the door, and assisted him by turning her shoulder for him to lean on.

Q. Did you perceive any alteration in Mrs. Sutton?

A. I did not perceive the smallest alteration in her dress, nor the smallest in her countenance.

Q. Do you recollect whether any refreshment was prepared?

A. My mother had a snack prepared for us.

Q. Had you any conversation with Mrs. Sutton respecting the jaunt?

A. I asked Mrs. Sutton how far she went; she answered, she did not know the roads, but she had a very pleasant jaunt.

Q. Did Mrs. Sutton partake of the snack?

A. I

A. I never saw her eat heartier; she drank three or four glasses of wine.

Q. Do you recollect the manner in which Mrs. Sutton took leave?

A. My father and mother accompanied us to the door; Mrs. Sutton shook hands with, and kissed my father on going away.

Q. Did she do that willingly, or otherwise?

A. Perfectly willingly.

Q. How did Mrs. Sutton appear to you during the journey?

A. I never saw her more cheerful; she was just as I had always seen her.

Q. Had you any attendant upon that occasion?

A. We were attended by a servant of my father's.

Q. What is his name?

A. David Fitzgerald.

Q. Had you told him the time you would return to Portarlington?

A. I told him, and every servant in the house, on leaving Portarlington, we would return on Monday.

Q. Do you remember any particular incident happening on the road?

A. I remember particularly a gig with a gentleman and lady going by, and desiring the servant to tell them, the wheel was in danger; they took no notice, and Mrs. Sutton, on the servant's return, told him, he got nothing by telling them, and he might have staid where he was.

Q. Did either you or Mrs. Sutton sing a song during the journey?

A. Mrs. Sutton sung several songs.

Q. Did she merely hum a tune, or did she sing the words?

A. She sung the words of two or three songs, to amuse us both on the road.

Q. As you arrived at the end of your journey, what conversation passed between you.

A. I

A. I asked her to dine ; she declined it, not knowing whether her husband and Mrs. Reed were gone to the county of Galway. I then drove on, to enquire at our own house ; the servants told us, Mr. Sutton and Mrs. Reed were at home ; I then asked her to dine, as she had no excuse, but she declined, and said it was too late.

Q. How soon after that evening did you see Mrs. Sutton ?

A. I saw Mrs. Sutton the evening after at Glas-House, with Mr. Sutton and Mrs. Reed.

Q. How were you received ?

A. I was received cordially and friendly as usual.

Q. Did Mrs. Reed manifest any difference in her behaviour towards you ?

A. I observed no difference in Mrs. Reed's behaviour ?

Q. At what hour were you there ?

A. It was in the evening, about six or seven, we drank tea there, and staid till about nine.

Q. Do you recollect any thing said by Mrs. Sutton in the course of the evening ?

A. Mrs. Sutton said, she was glad we came, as she had a note written to ask me and Miss O'Grady to dine the next day, or any day we would fix.

Q. Did you see the note ?

A. She gave me the note in her own hand-writing.

Q. Did you accept of the invitation ?

A. I did not accept the invitation immediately.

Q. Did you agree to dine with her upon any future day ?

A. The Saturday following was the first day I was disengaged, and I dined there in the family way.

Q. What was the conduct of Mrs. Sutton and the family towards you ?

A. Their behaviour was as friendly as before.

Q. Do you recollect Mrs. Sutton's having some company after this time ?

A. I



A. I heard her speak of an intended invitation to Colonel Warburton's family, and she said she would bring me with her to Garryhinch to ask them.

Q. Do you know at whose instance this company was invited?

A. Mr. Sutton told me it was a party of Mrs. Sutton's own making.

Q. Did Mrs. Sutton go to Garryhinch for the purpose you mentioned?

A. Mrs. Sutton went to Garryhinch to fix the day, and Monday was fixed; I was one of the company.

Q. How did Mrs. Sutton appear during the evening?

A. She was just as chearful as ever I had seen her. Mrs. Sutton, on my driving up to the door, came out to me, and brought me into the dining room to adjust my dress, and walked with me to the drawing-room, leaning on my arm.

Q. Was there much company?

A. There was a good deal of company.

Q. Do you recollect whether Mrs. Sutton borrowed any articles from your house for the evening?

A. Mrs. Sutton, as usual, borrowed every thing she wanted from Mr. Lidwell, and a servant to attend; he was the servant who attended us from Osberstown.

Q. Was any thing said respecting Mr. Lidwell at this time?

A. I expected my father and mother home the day before Mr. Sutton called on me, and on my telling him so, Mr. Sutton said, there were places at the table, and he was sure his friend would not stand on ceremony.

Q. Did you observe any alteration in Mrs. Sutton's behaviour?

A. I never observed any alteration whatever in her behaviour.

*Cross Examined. By Mr. PLUNKET.*

Q. You know, Madam, that your father is on trial for his life?

A. I do, Sir.

Q. Did you ever mention any of the circumstances you have now detailed, upon any former occasion?

A. I never mentioned the circumstances, but where it was necessary.

Q. Pray, Madam, when did you mention them last?

A. I can't say when I did so last; it's so long ago since I gave the notes, I can't remember.

Q. You took notes of the particular circumstances which you have mentioned in the course of your evidence?

A. I did.

Q. When did you first hear of any charge made against your father respecting this business?

A. There was no charge made against my father for three weeks after Mrs. Sutton had been at Osbertown.

Q. It was, of course, Madam, a matter of much surprise to you?

A. I never experienced such surprise in my life.

Q. You had no suspicion of any thing of the kind from the conduct of Mrs. Sutton?

A. Not in the least.

Q. Then you made no memorandum at the time of what passed, or as to Mrs. Sutton's appearance?

A. I did not.

Q. Mrs. Sutton at that time shewed no resentment, nor any appearance of it?

A. It was impossible she could have shewn any without my observing it.

Q. At what time was it you took the notes, which you say you gave to some other person?

A. The

A. The morning after my father was taken, I sat down to recollect the circumstances.

Q. Then, Madam, all you can say is, that you do not recollect any particular or extraordinary circumstance striking your observation?

A. If Mrs. Sutton had shewn any change of conduct, I would have seen it, and I would have enquired into it.

Q. Mrs. Sutton, you say, was very sprightly upon the road?

A. She was. She was singing all the way, both going to and coming from Osbertown.

Q. You are positive too, she intended to return on Monday?

A. She mentioned in Portarlinton, before she went to Osbertown, that she would return on Monday. A Mrs. Cowley was present on Monday morning at breakfast, and was engaged to dine with me on her return to Portarlinton.

Q. Mrs. Sutton however was pressed to stay longer?

A. She was pressed on Saturday evening by Mrs. Lidwell to stay, but she said, she must return on Monday.

Q. She refused to comply with this pressing request?

A. She did.

Q. And you thought she was obstinate, and told Mr. Sutton, she was the most obstinate Lady you had ever seen, and that nothing could prevail upon her to stay till Monday?

A. I never did say so to any of the family.

Q. Nor any thing to that import or effect?

A. I did not.

Q. You were very intimate with Mrs. Sutton?

A. I was intimate with her, so far as visiting.

Q. You had no objection, it seems, to her company?

A. I

A. I had no objection to her visiting at my father's house.

Q. Did you consider there was any intrigue between your father and Mrs. Sutton?

A. I did not.

Q. You never suspected any thing like an intrigue between your father and Mrs. Sutton?

A. I never did. Mrs. Sutton's conduct was always the same.

Q. Your father, you say, was very recently recovered from the gout?

A. He was not more than eight days recovered.

Q. And by your account he was in a very feeble state?

A. He was just able to crawl about with a stick, and some body to lean on.

Q. Poor decrepid old gentleman!—How did you all contrive to get over the stream?

A. Mrs. Sutton sprung over the drain or ditch; but I was not so active; therefore, my father helped me; and not being able to assist me, I fell in.

Q. Poor feeble man! How did he get over?

A. He, Sir, got over as well as he could: he crawled over.

Q. On Monday, when your father returned, you observed nothing particular in his dress?

A. I saw nothing particular in his dress.

Q. But if there was any thing particular, you, to be sure, from the natural shrewdness which you display, must have observed it?

A. If there was any thing particular, I must have observed it.

Q. I wish you would describe a little more exactly the manner in which your father, and you, and Mrs. Sutton got over the stream?

A. Mrs. Sutton and I assisted my father in getting over first, and then he gave his hand to assist me, and I fell in.

Q. Then



Q. Then Mrs. Sutton followed you and your father?

A. Yes, she jumped over after us.

Q. I thought you said, your father was so feeble, that he crawled over?

A. So he did.

Q. How did it happen, that he crawled over a ditch, after you had passed, and yet assisted you in getting over?

A. It was a stream, and the banks were level; he got over first, and assisted us afterwards.

Q. I understand, Madam; the account is very satisfactory: he was so feeble on Saturday, he could scarcely crawl over a stream or ditch, you don't know which; and on Monday, I suppose, was unable to get into a gig?

A. He was not able, on Monday, to get in or out of the gig, without assistance.

Q. Who helped him into the gig on Monday?

A. Mrs. Sutton did.

Q. And who helped him out?

A. Mrs. Sutton.

Q. He was, on that day, in a very feeble state, by your account?

A. I think a child would assist him, he was so weak.

Q. Don't you think you yourself could have assisted him in and out of the gig?

A. I think, with my assistance, he could have got out with some difficulty; but I think he could not get in without the assistance of two; indeed two were necessary to get him both in and out.

Q. Did any servant accompany your father, the day he went in the gig?

A. No servant went with my father when he went in the gig.

Q. You heard, Madam, that driving Mrs. Sutton to a sand-pit, was part of the crime alleged against your father?

A. I

A. I did.

Q. And therefore, you know, it was necessary to shew he could not get out of the gig by himself?

A. I am well satisfied he could not get out of the gig, without assistance.

Q. Mr. and Mrs. Sutton have lived upon terms of harmony and affection?

A. I have several times seen Mr. Sutton propose things, which she has opposed most positively.

Q. Was the flour brought home?

A. I sent a servant for the flour, by Mrs. Sutton's directions.

Q. Your father, who was so feeble on his limbs, as you describe, proposed to walk all the way to the mills?

A. I do not suppose my father would have been able to walk half the way.

Q. Pray, Madam, how do you suppose he was to manage; he set out for the purpose of going there?

A. I suppose he would have walked half way, and staid in a cabin for us to return.

Q. Very probable, indeed, Madam. Now, by virtue of your oath, do you not believe a criminal intercourse took place on that Monday between your father and Mrs. Sutton?

A. I do not know, Sir.—I can't say.

Q. What do you believe, Madam?

A. It is difficult for me to say.—I cannot form a belief.

Q. *By a Juror.* The day you dined with Mrs. Sutton, did she express any desire to see your father and mother among the company on that day?

A. She did not; Mr. Sutton did.

*Dr. John Blair.*

Examined by Mr. ESPINASSE.

Q. You are a physician?

A. I am.

Q. Do

Q. Do you know the prisoner?

A. I do.

Q. Do you remember him in a fit of the gout, last summer?

A. I do; he was confined six or seven weeks.

Q. What time did his confinement terminate?

A. He got out of confinement about the middle or latter end of September, and walked feebly about.

Q. Was he at that time afflicted with any venereal complaint?

A. I never heard mention of any venereal complaint during that illness.

Q. How long have you been attending Mr. Lidwell?

A. I have been in the habit of attending him and his family, ten years.

Q. Have you been confidential with him and his family?

A. I have.

Q. Do you remember his arrest?

A. I do.

Q. Did you then hear of the alleged rape, and the infection?

A. I did. The prisoner then sent for me to inspect him; I found no marks of the venereal disease about him.

Q. Did you examine him attentively?

A. I made a minute inspection, as the prisoner told me, I was to be brought forward, to be examined.

Q. Do you recollect Mrs. Sutton going to the salt-water?

A. I do.

Q. Did you hear Mr. Sutton say any thing at that time respecting her?

A. I recollect meeting Mr. Sutton one day at Mr. Lidwell's, when he had brought home his children, and Miss O'Grady; he said, he had gone up for Mrs. Sutton; that she had gone to the salt-water for her health,

health, but was in Dublin, instead of being there, and he could not get her back; but he would bring back the children.

Q. Do you remember a wood cutting by Mr. Sutton last summer?

A. I do.

Q. Did you hear Mr. Sutton say any thing upon that occasion?

A. I heard Mr. Sutton say jokingly, he had had fun with the girls who were picking bark off the trees.

Q. What did you understand by fun?

A. I understood a connexion with them; he spoke in the joking way as a man will over a bottle.

Q. Did you hear him say any thing else respecting his own conduct?

A. I have heard him say in the same sort of manner, he had had a bed-fellow in Mrs. Sutton's absence.

Q. Did he say this in such a manner as that you would believe him?

A. He has said so at times in such a manner that I believed him.

*Cross Examined. By Mr. MOORE.*

Q. Pray, Doctor, what opinion have you of Mr. Sutton's veracity?

A. I have a high reliance on Mr. Sutton's veracity.

Q. Pray, Sir, would you believe his oath in a court of justice?

A. I would.

Q. Would you believe it, rather than loose conversation over a bottle?

A. I would.

Q. Would you believe Mrs. Sutton on her oath?

A. I most certainly would.

Q. Have you any reason to think she would swear false in a court of justice?

A. I have not.

Q. Have



Q. Have not Mr. and Mrs. Sutton, to your knowledge, lived upon happy terms?

A. I always considered Mr. and Mrs. Sutton to be the happiest couple that could be.

Q. Do you practise surgery?

A. I never practised surgery; but I was bred to it as well as physic.

Q. May not a gonorrhœa be in the blood, and be concealed?

A. No, Sir.

Q. A gonorrhœa may be cured in a month?

A. Most certainly.

Q. When did you examine Mr. Lidwell?

A. I examined Mr. Lidwell the day he was taken prisoner.

Q. What day was that?

A. The 27th of October.

Q. *By the Court.* According to your present system, do you cure by injection, or by pill?

A. The present mode of cure is by injection.

Q. Would not an inveterate gleet have manifested itself?

A. Certainly.

Q. By virtue of your oath, Sir, did you see any symptoms of one, when you examined Mr. Lidwell?

A. I did not.

Q. Did you know Mr. Smith of Portarlington?

A. I did.

Q. How long since he left that town?

A. About a month since Mr. Smith left Portarlington.

Q. He was of the medical profession?

A. He was a practitioner in all branches of medicine.

Q. Did not he visit Mr. Lidwell?

A. I don't believe any of the stories I have heard about him.

Q. Has he not absconded some short time ago?

L

A. I

A. I believe he has absconded about a month.

Q. Was not his disappearance sudden?

A. His disappearance was sudden, but was long expected. Dr. Smith was embarrassed in his circumstances; he had been soliciting a surgeoncy from Sir Ralph Abercrombie; he told me so; and he had it in his contemplation to leave Portarlington.

Q. Can you form an opinion whether he left Portarlington at the instigation of any one?

A. I cannot.

Q. Do you not believe that Dr. Smith had attended Mr. Lidwell?

A. I believe he did.

Q. Can you form a belief whether he attended Mr. Lidwell for a venereal complaint?

A. I have no reason to believe, nor have I ever heard, that he attended him for a venereal complaint, but he attended with me when Mr. Lidwell was in the gout.

Q. Do you know the complaint called the whites?

A. I do.

Q. It arises sometimes from weakness?

A. It does.

Q. The symptoms are very like those of a gonorrhoea?

A. No; they are very different from those of a gonorrhoea, there is only one similar, the discharge; the dissimilar ones are the smarting or scalding in the gonorrhoea.

Q. The scalding depends on the virulence of the disorder?

A. It does.

Q. Mr. Sutton has spoken to you since about the former conversation?

A. Mr. Sutton asked Mr. Clarke, whether he did not mention to him and me, that he had every symptom of a gonorrhoea? Mr. Clarke said, he had not any recollection of it, nor have I any.

*Counsel*

*Counsel for the Prisoner.*

Q. What is the general character of the prisoner, as far as respects the present charge?

A. His general character is, that of a man not capable of forcing a woman against her will.

Q. Do you think the last day you saw him, (the day before he left Portarlington,) he was in a state of bodily strength, to force a woman against her will?

A. I do not.

*Cross Examined.*

Q. You are now speaking in general. Do you take into consideration, the comparative strength and weakness of Mr. Lidwell and Mrs. Sutton?

A. I can't pretend to say what Mrs. Sutton's nervous state may be; I speak from her appearance.

Q. Can you say what was her state of bodily strength at the time?

A. I don't pretend to ascertain Mrs. Sutton's strength, when the fact is alleged to be committed.

Q. The last day you saw Mr. Lidwell in Portarlington, was he not walking about?

A. The day I saw him in Portarlington, he was walking about feebly with a stick.

Q. The pavement of that town is not good?

A. It is not.

[It was admitted by the Counsel for the prosecution, that there was no attempt on the prisoner's part to fly from justice.]

**A. HARDINGE GIFFARD, Esq.**

Q. Did you observe Mrs. Sutton as she came into court?

A. I saw Mrs. Sutton coming into court, accompanied by a gentleman and a lady; the lady I understood

derstood to be the elder Mrs. Sutton. I made room, (for I was standing in the side bar) and I stood outside of them. Mrs. Sutton was in great agitation: the gentleman made use of one expression, which made a strong impression on me, it was, "Be determined, and go through with the business, every thing depends on it." It struck me as a very odd expression? and, after she had gone through part of her testimony, I mentioned it to a gentleman of the bar, who concurred with me in opinion, and I handed a note of it to the prisoner's counsel, Mr. Montgomery.

*Cross Examined. By Mr. JOHNSON.*

Q. Who was the gentleman of the bar, to whom you mentioned the circumstance?

A. Mr. Charles Ball.

Q. And the name by which you described the lady was, *the woman*?

A. It was.

Q. Then you did not feel any great respect for the lady?

A. I did not, at the moment, feel very great respect for her.

Q. Was she not in a state of great agitation?

A. When sitting at the side bar, the lady appeared to be very much agitated.

Q. Do you mean by this, to insinuate it was but *an appearance*?

A. I do.—I believe many worthy persons in court did not think she was acting a part; and that the gentleman who spoke to her, might be one of those.

Q. And do you think, Sir, that we who sat round the table were acting a part, when we burst into tears at the melancholy narrative?

A. Tears may be the effect of weakness.

Q. If



Q. If the words conveyed an exhortation to fortitude, would you think them fair?

A. I would.—The words were so loud, I looked up to the Jury, to see whether they heard them.

Q. Do you mean to say, upon your oath, that Mrs. Sutton deposed falsely upon her examination?

A. By no means.

Mr. *James Dunn.*

Examined by Mr. O'GRADY.

Q. Where do you live?

A. In Portarlington.

Q. Do you know Dr. Smith?

A. I do.

Q. He has lately left Portarlington?

A. He has.

Q. Did you hear Mr. Sutton say any thing respecting him?

A. I heard Mr. Sutton say, he did not regard the testimony of Dr. Smith; he knew where he was, and could put his finger on him.

*Cross Examined. By Mr. RIDGEWAY.*

Q. When was this conversation?

A. This conversation may be about three weeks or a month ago.

[A card of invitation was read, dated October 4, from Mr. and Mrs. Sutton, to Mr. and Mrs. Lidwell, to a dinner, in Mrs. Sutton's hand-writing.]

Mr. *Richard Clarke.*

Examined by Mr. BARRINGTON.

Q. Where do you live?

A. In Portarlington.

Q. What

Q. What profession are you?

A. An apothecary.

Q. You had Mr. Sutton to dine with you on the fair day of Portarlinton?

A. I had; it was the 12th of October.

Q. Had you any other company?

A. Dr. Blair came in when we were taking a glass of wine.

Q. Do you recollect Mr. Sutton saying any thing of a venereal complaint?

A. I recollect Mr. Sutton asking me of his speaking to me that night of a venereal attack. I said, it might be so, but I did not hear it. Mr. Sutton said, may be, Dr. Blair recollected it.

Q. Did you speak to Dr. Blair of it?

A. I asked Dr. Blair, who said, he did not hear it.

Q. Had you any further conversation with Mr. Sutton upon this subject?

A. Sometime after the 1st day of November, I had some conversation with Mr. Sutton; he told me, it was true enough, he found the day after the conversation, it grew somewhat worse, and he had mentioned it to Mrs. Sutton; and Mrs. Sutton then did tell some transactions that had happened.

Q. Have you furnished Mr. Lidwell with medicines?

A. I have nine or ten years,

Q. You can guess at the nature of a disease from the medicines?

A. I can.

Q. Did you ever supply him with medicines for the venereal complaint?

A. I never did; and I am sure, from his confidence in me, he would have communicated it to me.

*Cross Examined. By Mr. PLUNKET.*

Q. How long have you lived in Portarlinton?

A. I

A. I have lived twenty-five years in Portarlington.

Q. There might have been much conversation that night, which you forgot next morning?

A. There might.

Q. Indeed, Sir, you look like a gentleman who took more port than rhubarb. Pray, is it not the practice in Portarlington, for surgeons to supply medicines for gonorrhœas?

A. It is not.

Q. Did not Mr. Sutton tell you, he discovered the disorder after the conversation with Mrs. Sutton?

A. Mr. Sutton told me, it was in consequence of what he said to his wife, she told him the transaction.

Q. Now, Sir, can you swear positively as to that?

A. I do not think I would swear it positively.

Q. Well then, Doctor, you may be certain of this perhaps, that this last conversation was after Mr. Sutton had said, he would bring a fact out from you on your oath, which you did not appear willing to acknowledge.

A. It was.

Q. And this conversation was after the examinations had been sworn in Dublin?

A. It was.

*Michael Cullen.*

Examined by Mr. ESPINASSE.

Q. You are a clerk at Mr. Montgomery's mills?

A. I am.

Q. Do you recollect a gentleman and lady coming to buy flour?

A. I do; on the 30th of September, I entered it in the book.

Q. Who ordered the flour?

A. The lady ordered it, and the gentleman's servant called for it.

[This witness was not cross-examined.]

*David*

*David Fitzgerald.*

Examined by Mr. MACNALLY.

Q. Did you live with Mr. Lidwell last September?

A. I did, Sir.

Q. Do you recollect attending Miss Lidwell from Portarlinton to Osberstown?

A. I got orders for the gig to go from Portarlinton to Osberstown; and I attended Miss Lidwell and Mrs. Sutton from Portarlinton.

Q. From whom did you receive your directions?

A. I got the directions from Mr. Lidwell on Thursday, and was told he was to stay at Osberstown till Monday.

Q. By whom were you told so?

A. First, by my master, and after by Miss Lidwell.

Q. When did you return to Portarlinton?

A. I accompanied Miss Lidwell and Mrs. Sutton on Monday back; I rode behind.

Q. Did you observe any thing particular respecting Mrs. Sutton?

A. I saw nothing particular on Mrs. Sutton, only as merry as ever, and I heard her sing.

Q. Were you in the parlour at Osberstown when the snack was laid?

A. I attended at the snack, and saw her eat some beef-flake, and drink wine.

Q. Did she appear dissatisfied?

A. I saw nothing the matter with her.

Q. Did you attend company at Mr. Sutton's after this?

A. I attended afterwards on Monday at Mrs. Sutton's.

Q. By whose directions?

A. I



A. I was told by Mr. Sutton, that I was to attend that day.

Q. Did you observe any thing particular in Mrs. Sutton's conduct that day?

A. I saw nothing particular in her behaviour that day.

Q. Do you recollect meeting a gig on the road from Osbertown to Portarlington?

A. I recollect the gig passing with a lady and gentleman, and I told the lady and gentleman that the wheel was in danger; they paid no attention; and Mrs. Sutton said, Ha, Davy! you got nothing for your pains.

*Cross Examined. By Mr. MOORE.*

Q. When did you tell this story to any one?

A. I told it a few days after my master was taken; because I thought it might be material to make every remark I could.

Q. Did you not hear Mr. Lidwell press Mrs. Sutton to stay longer than Monday?

A. I heard them ask her on Sunday to stay longer; she said, she must return on Monday, as she had promised Mr. Sutton.

Q. I thought you said, your master told you, that you were to return on Monday?

A. My master told me, I was to return on Monday, and I could not bring more cloaths.

Q. Pray, Sir, did you hear Mrs. Sutton sing on the road to Osbertown?

A. I did not.

Q. Where did you see Mr. Sutton when you returned?

A. When we returned I saw Mr. Sutton at the gate.

Q. What did he say?

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A. I

A. I did not take notice what he said ; but he welcomed them home.

[Here the evidence for the prisoner closed.]

On the part of the Crown, *Jacob Sutton*, Esq. was again examined by Mr. RIDGEWAY.

Q. Did you hear the testimony of Mrs. Grady and David Fitzgerald ?

A. I did.

Q. Do you recollect seeing Mrs. Grady and Mrs. Sutton when they returned from Osbertown ?

A. On the ladies' return from Osbertown, I was returning from a field of corn. I saw the servant, David, ride up. I said, "Is any thing the matter ?" he answered, No. I said to the ladies, "I did not expect you home." Mrs. Grady said, "I declare to God, I never met so obstinate a woman; all the entreaties of my father and mother could not keep her."

Q. What distance was the servant from you at this time ?

A. The servant was not five yards off.

Q. Did you borrow any articles from Mr. Lidwell's house at the time you had company ?

A. As to borrowing the things, on Saturday after they came home, Miss Lidwell and Miss Grady came to us, and said, the moment they got Mrs. Cowley out, they ran up to us : Miss Lidwell offered the plate, knives, &c. and I myself, two hours before the dinner, asked the servant to attend.

Q. Are you certain that Mrs. Sutton did not ask the plate ?

A. I am.

Q. Did you tell Mr. Clarke what he stated of Mrs. Sutton's disclosing this affair, in consequence of your telling her of the disorder ?

A. Most

A. Most certainly not : Mr. Clarke is a very worthy man, but I think him mistaken.

*Joseph Daly, Esq.*

Examined by Mr. JOHNSON.

Q. Were you in court when Mrs. Sutton came in ?

A. I was : I was in the seat where she was afterwards.

Q. Describe what state of mind she was in ?

A. I never saw a woman more completely embarrassed and agitated. I gave her every assistance ; I sent out for water, and sent to an apothecary for drops.

Q. Did you see the gentleman who attended her ?

A. I did. I understand, he is her brother, and a clergyman.

Q. Did you hear the words he made use of ?

A. I did ; the import of them was, " Summon up fortitude, &c. you are going to do justice ; tell the truth, that is all you have to do."

*Cross Examined.*

Q. Did you hear the words stated by Mr. Giffard ?

A. I heard what Mr. Giffard stated ; and I think, if such words were used, I must have heard them ; and I think no words were used but of the import I have mentioned.

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The case having been closed on both sides,

Lord CARLETON proceeded to sum up the evidence to the Jury : his Lordship prefaced his charge, by stating the indictment against the prisoner, who had pleaded Not Guilty, and for trial put himself upon his country.—The Jury were now to ascertain and determine, whether the prisoner was guilty of the crime

crime imputed to him? and for that purpose it was their duty to weigh, and deliberately consider the evidence which had been adduced in support of the prosecution; as also the evidence which had been adduced on the part of the prisoner. That the evidence of Mrs. Sutton, if credited, established the prisoner's guilt; and the question for their consideration would ultimately be, "Whether her testimony (corroborated in some instances, and weakened in others by the residue of the evidence given during the trial) deserved to be credited?"—To assist the Jury in the discharge of this important duty, his Lordship said, he would detail the testimony of the several witnesses.—[His Lordship then recapitulated, in the most accurate, impartial, and satisfactory manner, the whole of the evidence which had been given on both sides, accompanying this laborious statement with occasional comments upon the witnesses, the manner and the nature of their testimony.—It is impossible to do justice to this part of the case, without repeating what appears in the foregoing pages, which it is hoped will be excused, as leading to an unnecessary length; and the remainder of this report contains only a very short sketch of some of the leading points, which he referred to the consideration of the Jury, without our professing to follow his Lordship, either as to order, manner, or matter.]—The noble and learned Judge earnestly and strongly impressed upon the Jury, that it was their exclusive province and duty to weigh, with the greatest caution and attention, the testimony of the witnesses, and to decide upon the degree of credit they were entitled to, where any contradictions appeared. He drew the attention of the Jury to the different periods which deserved consideration; that is to say, of Mrs. Sutton's visit to Dublin,—of her lying-in,—of her visit to Booterstown,—of her return home,



home,—of the visit to Osberstown,—of the day on which the crime was alleged to have been committed,—of the disclosure to her mother,—of the first appearance of the venereal complaint,—of the disclosure to her husband,—of swearing the different informations,—and of the arrest of the prisoner.—The visits to Dublin and Booterstown seemed to have been referred to on the part of the prisoner, in order to draw an inference that “ Mrs. Sutton had had a criminal communication during those visits, either with the prisoner, or with some body else, and that in the latter of those visits, she had contracted the venereal complaint;” but the circumstances were too slight to warrant such an inference, and if she had contracted a venereal complaint during her visit to Booterstown, the probability was, that the husband must have been sensible at an earlier period, than the 12th of October, that he had received the taint, as she had returned home upon the 1st of September. Her lying-in had been succeeded by a feminine weakness, and her visit to Booterstown was material, as having relieved her from that complaint. He referred to the behaviour of the prisoner, on the evening of the 28th of September; and left it to the Jury to consider, whether it was not an indication of an intention to take greater liberties with her; and whether it did not furnish a caution to her, not again to expose herself to a repetition of such, and perhaps greater freedoms.—He stated her evidence with respect to the idea she entertained of the tendency of the prisoner’s conduct upon that occasion; and said it was for the Jury to consider whether they were satisfied with her evidence in that respect; and whether the character and turn of her mind, did sufficiently explain, and account for, her conduct in that instance, and in others which are disclosed by the evidence.—That night she determined to go home on *Monday*, tho’ she

she swore she had intended to have staid until *Wednesday*; and that change of her intention was attributed by her to the conduct of the prisoner on the evening of the 28th.—That she had originally intended to stay till the *Wednesday* following, was sworn to by her, and her evidence in that respect received support from the testimony of her mother and husband, but was opposed by the evidence of Mrs. Grady, and of Fitzgerald, and by the scantiness of the supply of clean linen which she carried with her.—His Lordship then stated the circumstances which took place at Osbertown on Monday morning, previous to Mrs. Sutton's going in the gig; and mentioned that the Jury ought to consider, whether the reason which she assigned for venturing herself in company with the prisoner alone, on Monday morning, after her experience of his conduct on the Saturday preceding; and after having, on Monday morning, in the presence of Mrs. Grady, refused to go alone with him, was satisfactory.—His Lordship then adverted to the circumstances attending the committal of the fact, and particularly to her evidence respecting her not having cried out;—to the distance of the pit from any habitation,—to the weakness of her bodily frame, and to the considerable depth of the pit, and to its being a sand-pit.—As to the observation, that she ought not to have returned home with him, after having been ill-treated;—it was to be observed, his Lordship said, that she was at a considerable distance from home,—was alone with the prisoner,—and had no mode of getting home, but by the assistance of the prisoner. As to her conduct, during her stay at Osbertown, and her appearance after the committal of the crime, and during her journey to Portarlinton, it deserved the very serious attention of the Jury.—Part of those circumstances appeared from her own evidence,—and the  
other

other part depended upon the testimony of Mrs. Grady and Fitzgerald;—and it was necessary for the Jury to weigh the credit of these two witnesses.—As to Mrs. Grady's evidence, with respect to the extreme imbecility of her father, it seemed not very easy to credit it, considering the other circumstances disclosed in the evidence.—His Lordship then made some observations on different parts of the testimony of those two witnesses, as being material in weighing the degree of credit which they might be entitled to.—The disclosure of the transaction to her mother, on the morning of the 1st of October, (which was as early as she could well have made the communication, considering the hour at which she returned home the night before, and the husband's remaining in the room almost the entire of that evening,) greatly corroborated the testimony of Mrs. Sutton, provided the Jury believed that fact to be, as it was represented by Mrs. Sutton, and her mother.—The postponing the disclosure to her husband, until the 13th of October, had a contrary tendency, unless the Jury were satisfied, that it was attributable to the reason assigned by the mother and daughter.—Between the 1st and the 13th of October, Mrs. Sutton knew that she was ill.—In weighing the credit due to the testimony of the mother and daughter, it would be very material to find out, if possible, whether Mrs. Sutton, before she informed her husband of the violence offered to her by the prisoner, knew the real nature of her disorder, or considered it merely as a renewal of her old complaint.—And his Lordship recapitulated that part of the evidence which shewed in what respect the two complaints agreed, and in what they differed.—If the former were the case, it would become a material object of enquiry, whether the evidence of the mother was not calculated to prop the falling reputation of the daughter; and whether the concealment  
of

of eleven days was not put an end to, by Mrs. Sutton's consciousness of her having a venereal complaint, which could no longer be concealed, and which could leave infidelity no longer doubtful. But if she imagined that she had only a return of her old complaint, the mother's pressing solicitation might in reality have delayed the disclosure to the husband until the 13th; and the circumstance alluded to by Mrs. Sutton in her evidence, co-operating with the distress of mind, which (according to the husband's evidence) she laboured under, might have, in reality, induced Mrs. Sutton to disclose to her husband on the 13th, what she had concealed from him until that time.—The credit of the mother deserved to be weighed most attentively, its establishment would give considerable additional strength to the evidence of Mrs. Sutton; and on the contrary, were the credit of the mother destroyed, the evidence of Mrs. Sutton would have its most essential support withdrawn from it.—The evidence of Mrs. Sutton's demeanor, subsequent to the 1st of September, as disclosed on the part of the prisoner, tends to weaken her credit; but on the other hand, the testimony of her husband, as to the extreme distress which she appeared to labour under, during the interval between the 1st and 13th of October, tends to support her credit. In weighing the evidence, the general character and demeanor of Mrs. Sutton, and the other witnesses were to be attended to.—His Lordship said, it was his duty to inform them upon legal points, if any had arisen in the progress of the cause; but there was no difficulty in this respect. The Jury was fully apprised of the nature of the crime charged upon the prisoner: in every country it attached the penalty of death upon the criminal. The present case was peculiarly adapted to the decision of a Jury; it was a question of fact, which involved no point of law whatever; it was a case, in which if the Jury had a reasonable doubt on their minds, whether the  
prisoner



prisoner was guilty of the foul crime with which he stood charged, it was their duty to acquit him: but on the other hand, if the Jury, after maturely weighing and considering the evidence to support the prosecution, and the evidence produced by the prisoner to rebut that testimony, had not such a doubt on their minds as a reasonable man could have, but were convinced on their oaths, that the prisoner was guilty, however painful it must be to their feelings to bring in such a verdict against a man of family and education, such as the prisoner was, yet it was their duty to do so; and his Lordship was convinced, from the respectability and character of the Jury, that whatever their verdict might be, it would be grounded on a true conviction, arising from the credit to be given to the testimony, and such as could not fail to give general satisfaction.

The Jury then retired, and Lord CARLETON, after having sat eighteen hours, adjourned the court for a short time.—But the Jury not having signified any disposition to agree, the court was not opened again 'till ten o'clock, when Lord KILWARDEN presided at the trials of several criminals.—About one o'clock, the Jury sent a letter to his Lordship, which he declined to read, and ordered them to come into court; when their names were called over.

LORD KILWARDEN. Gentlemen, it is irregular to send a letter to any person, while you are enclosed for the purpose of considering your verdict. If you have any application to make, it must be in open court, and in the presence of the whole Jury. Have you agreed to your verdict?

*Foreman.* No, my Lord, nor are we likely to agree.

LORD KILWARDEN. Then you must return to your room.

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The Jury retired, and in about four hours after they sent word they had agreed. They were then conducted into the court, where Lord CARLETON, who had tried the cause, was sitting; and being asked, if they had agreed to their verdict? they said they had; and the foreman returned a verdict of GUILTY.

After the verdict was returned, the Jury requested to recommend the prisoner to mercy.

Lord CARLETON asked them, If it was from any doubt on their minds, that they recommended him? because, if they had any doubt, they ought to go back, and reconsider their verdict; for in a case of life and death, a reasonable doubt ought to operate in favour of a prisoner.

The Jury said it was not from any doubt on the case; but the previous uniform good character of the prisoner.

The verdict was then recorded.

Mr. *Lidwell*. My Lord, I wish, before the awful sentence shall be pronounced, to say a few words. To you, my Lord, before whom I was tried, I return my most grateful thanks, for the patience and humanity with which you attended to, and discriminated the weight of the evidence that had been produced on the trial. To the sheriff, I also return my thanks, for the honourable and respectable Jury he procured for the trial of a man who was a stranger in the country; and to whose verdict, though it pronounced me guilty, I bow with submission. When that awful moment shall come in which I shall be about to return an account to my God, I will then make a public declaration of the facts; 'till then I will  
forbear

forbear.—[Lord CARLETON having mentioned that the Jury had recommended him,]

Mr. *Lidwell*. And have the Jury recommended me too? that is an additional instance of the humanity with which I have been treated!

He then requested that the court would allow as much time as the nature of his case would admit, between his sentence and execution, that he might arrange his distracted affairs and property, which was very considerable; and be better prepared to meet with resignation that melancholy fate to which he was to be consigned.

The sentence was then pronounced.

LORD CARLETON. (After some observations on the nature of the crime of which the prisoner had been convicted.) You, Thomas Lidwell, are to be taken from the bar of the court, where you now stand, to the place from whence you came, the gaol, —there your irons are to be knocked off; and from thence you are to be conveyed to the common place of execution, the gallows, where you are to be hanged by the neck, until you are dead; and the Lord have mercy on your soul!

The prisoner bowed, and retired.

Wednesday, the 10th of May, was the day appointed for the execution.

His Excellency the Lord Lieutenant has since been graciously pleased to respite the prisoner until further orders.

THE END,

The Jury retired, and in about four hours after they sent word they had agreed. They were then conducted into the court, where Lord CARLETON, who had tried the cause, was sitting; and being asked, if they had agreed to their verdict? they said they had; and the foreman returned a verdict of GUILTY.

After the verdict was returned, the Jury requested to recommend the prisoner to mercy.

Lord CARLETON asked them, If it was from any doubt on their minds, that they recommended him? because, if they had any doubt, they ought to go back, and reconsider their verdict; for in a case of life and death, a reasonable doubt ought to operate in favour of a prisoner.

The Jury said it was not from any doubt on the case; but the previous uniform good character of the prisoner.

The verdict was then recorded.

Mr. *Lidwell*. My Lord, I wish, before the awful sentence shall be pronounced, to say a few words. To you, my Lord, before whom I was tried, I return my most grateful thanks, for the patience and humanity with which you attended to, and discriminated the weight of the evidence that had been produced on the trial. To the sheriff, I also return my thanks, for the honourable and respectable Jury he procured for the trial of a man who was a stranger in the country; and to whose verdict, though it pronounced me guilty, I bow with submission. When that awful moment shall come in which I shall be about to return an account to my God, I will then make a public declaration of the facts; 'till then I will forbear.



forbear.—[Lord CARLETON having mentioned that the Jury had recommended him,]

Mr. *Lidwell*. And have the Jury recommended me too? that is an additional instance of the humanity with which I have been treated!

He then requested that the court would allow as much time as the nature of his case would admit, between his sentence and execution, that he might arrange his distracted affairs and property, which was very considerable; and be better prepared to meet with resignation that melancholy fate to which he was to be consigned.

The sentence was then pronounced.

LORD CARLETON. (After some observations on the nature of the crime of which the prisoner had been convicted.) You, Thomas Lidwell, are to be taken from the bar of the court, where you now stand, to the place from whence you came, the gaol,—there your irons are to be knocked off; and from thence you are to be conveyed to the common place of execution, the gallows, where you are to be hanged by the neck, until you are dead; and the Lord have mercy on your soul!

The prisoner bowed, and retired.

Wednesday, the 10th of May, was the day appointed for the execution.

His Excellency the Lord Lieutenant has since been graciously pleased to respite the prisoner until further orders.

THE END,

